



Reprinted  
April 8, 2005

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## ENGROSSED SENATE BILL No. 307

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DIGEST OF SB 307 (Updated April 7, 2005 6:42 pm - DI 73)

**Citations Affected:** IC 5-2; IC 6-1.1; IC 6-3.5; IC 8-22; IC 11-13; IC 31-37; IC 33-24; IC 35-38; IC 36-1; IC 36-2; IC 36-3; IC 36-6; IC 36-8; noncode.

**Synopsis:** Marion County local government. Provides that in Marion County the city controller has all the powers and duties assigned to county auditors related to the fixing and reviewing of budgets, tax rates, and tax levies. Provides that the county auditor is responsible for the issuance of warrants for payments from county and city funds. Specifies that the county auditor is responsible for: (1) accounting; (2) payroll, accounts payable, and accounts receivable; (3) revenue and tax distributions; and (4) maintenance of property records; for all city and county departments, offices, and agencies. Provides that the county auditor retains all the powers and duties assigned to county auditors under the property tax laws, other than the powers and duties related to the fixing and reviewing of budgets, tax rates, and tax levies. Provides for the appointment of two deputy controllers by the mayor of  
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**Effective:** Upon passage; July 1, 2005; January 1, 2006; January 1, 2007.

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**Young R Michael, Waltz**  
(HOUSE SPONSORS — BEHNING, HINKLE)

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January 6, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

February 10, 2005, reported favorably — Do Pass.

February 21, 2005, read second time, amended, ordered engrossed.

February 22, 2005, engrossed.

February 24, 2005, read third time, passed. Yeas 42, nays 6.

HOUSE ACTION

March 8, 2005, read first time and referred to Committee on Local Government.

March 24, 2005, amended, reported — Do Pass.

April 7, 2005, read second time, amended, ordered engrossed.

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Indianapolis. Creates the department of administration and equal opportunity in Marion County to replace the existing department of administration. Establishes the office of finance and management (the office). Specifies that the controller is the director of the office. Provides that the office is responsible for: (1) budgeting; (2) financial reporting and audits; (3) purchasing; and (4) fixed assets; for all city and county departments, offices, and agencies. Specifies that, except for the powers and duties reserved to the county auditor, the controller has the powers and duties otherwise assigned by law to county auditors. Allows the Marion County city-county council to adopt an ordinance to consolidate the Indianapolis police department and the Marion County sheriff's department. Requires the ordinance to be adopted before July 1 of a year, and provides that the consolidation may not take effect earlier than January 1 following the year in which the ordinance is adopted. Requires the ordinance to specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department. Provides that a person who was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments and after the consolidation becomes a law enforcement officer of the consolidated law enforcement department remains an employee beneficiary of the sheriff's pension trust. Provides that a person who was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments and after the consolidation becomes a law enforcement officer of the consolidated law enforcement department remains a member of the 1953 fund or the 1977 fund. Specifies that the ordinance must provide that the county sheriff's department shall be responsible for: (1) county jail operations and facilities; (2) emergency communications; (3) security for buildings and property owned by the city or the county; (4) service of civil process and collection of taxes under tax warrants; and (5) sex offender registration. Provides that the fire department of a township in Marion County may be consolidated into the fire department of the consolidated city if: (1) before January 1, 2006, the city-county council adopts an ordinance approving the consolidation; and (2) at the primary election in May 2006, a majority of the voters residing in that part of the township that is not within the fire special service district approve the consolidation. Provides that beginning January 1, 2007, the consolidated fire department shall provide fire protection services in the townships that vote in favor of consolidation. Provides that the property, equipment, records, rights, and contracts of a fire department consolidated into the fire department of the consolidated city are transferred to or assumed by the consolidated city on January 1, 2007. Specifies that indebtedness related to fire protection services that is incurred before January 1, 2007, by the consolidated city remains the debt of the consolidated city and may only be paid from property taxes levied within the fire special service district. Provides that a firefighter who was a member of the 1977 fund before the effective date of a consolidation remains a member of the 1977 fund, and that a firefighter who was a member of the 1937 fund before the effective date of a consolidation remains a member of the 1937 fund. Provides that if a consolidated fire department is established, the consolidated city, through the consolidated fire department, shall beginning January 1, 2007, establish, operate, and maintain emergency ambulance services in the townships in the county that are consolidated. Provides for the adjustment of maximum property tax levies after consolidation of law enforcement services or fire protection services. Allows the city-county council to: (1) adopt an ordinance providing that the law enforcement services of the airport authority are consolidated into the police department of the consolidated city or into the county sheriff's department; and (2) adopt an ordinance providing that the fire

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department of the airport authority is consolidated into the fire department of the consolidated city effective January 1, 2007. Requires the mayor of Indianapolis to provide for independent evaluations and performance audits to determine the amount of any cost savings, operational efficiencies, or improved service levels that result from the consolidations. Provides that the general law concerning approval of budgets and tax levies of appointed boards does not apply to certain entities in Marion County that are covered by another statute. Requires the city-county council in Marion County to review the proposed operating and maintenance budgets and tax levies of the entities and to adopt final operating and maintenance budgets and tax levies for them. Authorizes the city-county council to reduce or modify but not increase an entity's proposed operating and maintenance budget or tax levy. Prohibits the city-county council from reducing or modifying an entity's budget or tax levy in a manner that would impair the rights of bondholders. Provides that proposed operating and maintenance budget and tax levy of a taxing unit that is located within an excluded city or town shall be submitted to the city or town fiscal body. Establishes the Marion County consolidation study commission. Requires the commission to study the consolidation of local government in Marion County, including the consolidation proposed in the "Indianapolis Works" plan. Requires the commission to issue a final report to the legislative council before December 1, 2005. Appropriates \$45,000 to the legislative council to hire consultants that are necessary to assist the commission in reviewing and verifying information and data concerning the consolidation of local government in Marion County. Allows Marion County to increase the county option income tax rate for resident county taxpayers by not more than 0.3% (rather than only 0.1%), up to a maximum rate of 1%. Provides that a member of the airport authority for Marion County who represents a county adjacent to Marion County and in which the authority owns real property and owned the property before July 1, 2005, are voting members.

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Reprinted  
April 8, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 307

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) Subject to section 13 of  
3 this chapter, the following persons must register under this chapter:

4       (1) An offender who resides in Indiana. An offender resides in  
5 Indiana if either of the following applies:

6           (A) The offender spends or intends to spend at least seven (7)  
7 days (including part of a day) in Indiana during a one hundred  
8 eighty (180) day period.

9           (B) The offender owns real property in Indiana and returns to  
10 Indiana at any time.

11       (2) An offender not described in subdivision (1) who works or  
12 carries on a vocation or intends to work or carry on a vocation  
13 full-time or part-time for a period of time:

14           (A) exceeding fourteen (14) consecutive days; or

15           (B) for an aggregate period of time exceeding thirty (30) days;  
16 during any calendar year in Indiana, whether the offender is  
17 financially compensated, volunteered, or is acting for the purpose

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of government or educational benefit.

(3) An offender not described in subdivision (1) who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), an offender who resides in Indiana shall register with the sheriff of the county where the offender resides. If an offender resides in more than one (1) county, the offender shall register with the sheriff of each county in which the offender resides. ~~However, if an offender resides in a county having a consolidated city, the offender shall register with the police chief of the consolidated city.~~

(c) An offender described in subsection (a)(2) shall register with the sheriff of the county where the offender is or intends to be employed or carry on a vocation. ~~However, an offender described in subsection (a)(2) who is employed or intends to be employed or to carry on a vocation in a consolidated city shall register with the police chief of the consolidated city.~~ If an offender is or intends to be employed or carry on a vocation in more than one (1) county, the offender shall register with the sheriff of each county. ~~However, if an offender is employed or intends to be employed or to carry on a vocation in a county containing a consolidated city and another county, the offender shall register with the police chief of the consolidated city and the sheriff of the other county.~~

(d) An offender described in subsection (a)(3) shall register with the sheriff of the county where the offender is enrolled or intends to be enrolled as a student. ~~However, if an offender described in subsection (a)(3) is enrolled or intends to be enrolled as a student in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.~~

(e) An offender described in subsection (a)(1)(B) shall register with the sheriff in the county in which the real property is located. ~~However, if the offender owns real property in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.~~

(f) An offender shall complete a registration form. Each sheriff or police chief of a consolidated city shall make the registration forms available to registrants.

(g) The offender shall register not more than seven (7) days after the offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

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- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the offender is required to register under subsection (b), (c), or (d);

whichever occurs first.

(h) Whenever an offender registers with a sheriff, ~~or the police chief of a consolidated city~~, the sheriff ~~or police chief~~ shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.

(i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the offender that complies with the requirements of IC 36-2-13-5.5 and transmit the photograph (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city, but at least once per year, the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5.

(j) When an offender completes a new registration form, the sheriff or police chief of a consolidated city shall:

- (1) forward a copy of the new registration form to the institute;

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and

(2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

SECTION 2. IC 5-2-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) Not more than fourteen (14) days before an Indiana offender who is required to register under this chapter is scheduled to be released from a correctional facility, transferred to a community transition or community corrections program, transferred to the jurisdiction of a sentencing court or probation office for a term of probation after being confined in a facility, released from any other penal facility (as defined in IC 35-41-1-21), released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the offender of the offender's duty to register under this chapter and require the offender to sign a written statement that the offender was orally informed or, if the offender refuses to sign the statement, certify that the offender was orally informed of the duty to register.

(2) Deliver a registration form advising the offender of the offender's duty to register under this chapter and require the offender to sign a written statement that the offender received the written notice or, if the offender refuses to sign the statement, certify that the offender was given the written notice of the duty to register.

(3) Obtain the address where the offender expects to reside after the offender's release.

(4) Inform in writing on a form or in the form prescribed or approved by the institute the sheriff having jurisdiction in the county ~~or the police chief having jurisdiction in the consolidated city~~ where the offender expects to reside of the offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the offender.

(b) Not more than three (3) days after an offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The offender's fingerprints, photograph, and identification factors.

(2) The address where the offender expects to reside after the offender's release.

(3) The complete criminal history data (as defined in

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IC 10-13-3-5) or, if the offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the offender.

(4) Information regarding the offender's past treatment for mental disorders.

(5) Information as to whether the offender has been determined to be a sexually violent predator.

(c) This subsection applies if an offender is placed on probation or in a community corrections program without confining the offender in a penal facility. The probation office serving the court in which the sex and violent offender is sentenced shall perform the duties required under subsections (a) and (b).

SECTION 3. IC 5-2-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) If an offender who is required to register under this chapter changes:

(1) home address; or

(2) if section 5(a)(2) or 5(a)(3) of this chapter applies, the place where the offender stays in Indiana;

the offender shall complete and submit a new registration form not more than seven (7) days after the address change to the sheriff ~~or the police chief~~ with whom the offender last registered.

(b) If the offender moves to a new county in Indiana, the sheriff ~~or the police chief~~ referred to in subsection (a) shall inform the sheriff in the new county ~~or the police chief of the consolidated city, if the county has a consolidated city,~~ in Indiana of the offender's residence by forwarding to the sheriff ~~or the police chief~~ in the new county a copy of the registration form. The sheriff ~~or the police chief~~ receiving the notice under this subsection shall verify the address of the offender under section 8.5 of this chapter within seven (7) days after receiving the notice.

(c) If an offender who is required to register under section 5(a)(2) or 5(a)(3) of this chapter changes the offender's principal place of employment, principal place of vocation, or campus or location where the offender is enrolled in school, the offender shall submit a new registration form not more than seven (7) days after the change to the sheriff ~~or the police chief of a consolidated city~~ with whom the offender last registered.

(d) If an offender moves the offender's place of employment, vocation, or enrollment to a new county in Indiana, the sheriff ~~or the police chief of a consolidated city~~ referred to in subsection (c) shall inform the sheriff in the new county in Indiana ~~or the police chief of the consolidated city, if the county has a consolidated city,~~ of the offender's new principal place of employment, vocation, or enrollment by

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1 forwarding a copy of the registration form to the sheriff ~~or the police~~  
 2 ~~chief of the consolidated city~~ in the new county.

3 (e) If an offender moves the offender's residence, place of  
 4 employment, or enrollment to a new state, the sheriff ~~or the police chief~~  
 5 ~~of the consolidated city~~ shall inform the state police in the new state of  
 6 the offender's new place of residence, employment, or enrollment.

7 (f) A sheriff ~~or police chief of a consolidated city~~ shall make the  
 8 forms required under this section available to registrants.

9 (g) A sheriff ~~or police chief of a consolidated city~~ who is notified of  
 10 a change under subsection (a) or (c) shall immediately notify the  
 11 institute of the change by forwarding a copy of the registration form to  
 12 the institute.

13 SECTION 4. IC 5-2-12-8.5 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8.5. (a) To verify  
 15 an offender's current residence, the sheriff ~~(or the police chief of a~~  
 16 ~~consolidated city)~~ shall do the following:

17 (1) Mail each offender a registration form to the offender's listed  
 18 address at least one (1) time per year, beginning seven (7) days  
 19 after the sheriff ~~(or the police chief of a consolidated city)~~  
 20 receives a notice under section 14 of this chapter or the date the  
 21 offender is:

22 (A) released from a penal facility (as defined in  
 23 IC 35-41-1-21), a secure private facility (as defined in  
 24 IC 31-9-2-115), or a juvenile detention facility;

25 (B) placed in a community transition program;

26 (C) placed in a community corrections program;

27 (D) placed on parole; or

28 (E) placed on probation;

29 whichever occurs first.

30 (2) Mail a registration form to each offender who is designated a  
 31 sexually violent predator under IC 35-38-1-7.5 at least once every  
 32 ninety (90) days, beginning seven (7) days after the sheriff ~~(or the~~  
 33 ~~police chief of a consolidated city)~~ receives a notice under section  
 34 14 of this chapter or the date the offender is:

35 (A) released from a penal facility (as defined in  
 36 IC 35-41-1-21), a secure private facility (as defined in  
 37 IC 31-9-2-115), or a juvenile detention facility;

38 (B) placed in a community transition program;

39 (C) placed in a community corrections program;

40 (D) placed on parole; or

41 (E) placed on probation;

42 whichever occurs first.

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(b) If an offender fails to return a signed registration form either by mail or in person, the sheriff ~~(or the police chief of a consolidated city)~~ shall immediately notify the institute and the prosecuting attorney.

SECTION 5. IC 5-2-12-8.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8.6. (a) An offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If an offender who is required to register under this chapter changes the offender's name due to marriage, the offender must notify the county sheriff ~~(or the police chief of a consolidated city)~~ by completing a registration form not more than thirty (30) days after the name change.

SECTION 6. IC 5-2-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of an offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that an offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the sheriff of the county ~~(or the police chief of the consolidated city)~~ where the offender is required to register in Indiana of:

- (1) the offender's name, date of relocation, and new address; and
- (2) the sex and violent offense or delinquent act committed by the offender.

SECTION 7. IC 6-1.1-17-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) This section applies:

- (1) to each governing body of a taxing unit that is not comprised of a majority of officials who are elected to serve on the governing body; and
- (2) if the proposed property tax levy for the taxing unit for the ensuing calendar year is more than five percent (5%) greater than the property tax levy for the taxing unit for the current calendar year.

(b) As used in this section, "taxing unit" has the meaning set forth in IC 6-1.1-1-21, except that the term does not include:

- (1) a school corporation; **or**

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(2) an entity whose tax levies are subject to review and modification by a city-county legislative body under IC 36-3-6-9.

(c) If:

(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or

(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;

the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted at least fourteen (14) days before the city or town fiscal body is required to hold budget approval hearings under this chapter.

(d) If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the county where the taxing unit has the most assessed valuation. The proposed budget and levy shall be submitted at least fourteen (14) days before the county fiscal body is required to hold budget approval hearings under this chapter.

(e) The fiscal body of the city, town, or county (whichever applies) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.

SECTION 8. IC 6-1.1-17-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. Notwithstanding any other law, in a county having a consolidated city, the city controller of the consolidated city has all the powers and shall perform all the duties assigned to county auditors under this chapter related to the fixing and reviewing of budgets, tax rates, and tax levies.**

SECTION 9. IC 6-3.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) If on January 1 of a calendar year the county option income tax rate in effect for resident county taxpayers equals six tenths of one percent (0.6%), then the county income tax council of that county may after January 1 and before April 1 of that year pass an ordinance to increase its tax rate for resident county taxpayers. Except as provided in section 9.6 of this chapter, if a county income tax council passes an ordinance under this section, its county option income tax rate for resident county taxpayers increases by one tenth of one percent (0.1%) each succeeding July 1 until its rate reaches a maximum of one percent (1%).**

(b) The auditor of the county shall record any vote taken on an

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ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 10. IC 6-3.5-6-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.6. Notwithstanding any other provision of this chapter, the county income tax council for a county containing a consolidated city may pass an ordinance to increase the county option income tax rate for resident county taxpayers by not more than three-tenths of one percent (0.3%) on the succeeding July 1, up to a maximum rate of one percent (1%).**

SECTION 11. IC 6-3.5-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The county income tax council of any county may adopt an ordinance to permanently freeze the county option income tax rates at the rate in effect for its county on January 1 of a year.

(b) To freeze the county option income tax rates a county income tax council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The \_\_\_\_\_ County Income Tax Council permanently freezes the county option income tax rates at the rate in effect on January 1 of the current year."

(c) An ordinance adopted under the authority of this section remains in effect until rescinded. The county income tax council may rescind such an ordinance after January 1 but before April 1 of any calendar year. Such an ordinance shall take effect July 1 of that same calendar year.

(d) **Except as provided in section 9.6 of this chapter**, if a county income tax council rescinds an ordinance as adopted under this section the county option income tax rate shall automatically increase by one-tenth of one percent (0.01%) until:

(1) the tax rate is again frozen under another ordinance adopted under this section; or

(2) the tax rate equals six tenths of one percent (0.6%) (if the frozen tax rate equaled an amount less than six tenths of one percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled an amount in excess of six tenths of one percent (0.6%)).

(e) The county auditor shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 12. IC 8-22-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) This section applies only to the board of an airport authority established for a county

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1 having a consolidated city.

2 (b) The board consists of members appointed as follows:

3 (1) The mayor of the consolidated city shall appoint six (6)  
4 members. Each member appointed under this subdivision must be  
5 a resident of the county having the consolidated city.

6 (2) The board of commissioners of the county having the  
7 consolidated city shall appoint one (1) member. The member  
8 appointed under this subdivision must be a resident of the county  
9 having the consolidated city.

10 (3) The county executive of each Indiana county that fulfills all of  
11 the following requirements shall each appoint one (1) member:

12 (A) The county is adjacent to the county having the  
13 consolidated city.

14 ~~(B) The county has a population of more than one hundred~~  
15 ~~thousand (100,000) but less than one hundred five thousand~~  
16 ~~(105,000).~~

17 ~~(C)~~ (B) The authority:

18 (i) owns real property in the county; and

19 (ii) **owned property in the county before July 1, 2005.**

20 The county executive of a county represented on the board under  
21 this subdivision may not appoint an advisory member under  
22 section 4(e) of this chapter.

23 Not more than four (4) members appointed under subdivisions (1) and  
24 (2) may be members of the same political party.

25 (c) At least one (1) member of the board appointed under subsection  
26 (b)(1) must also be a resident of a township that:

27 (1) is located in the county having the consolidated city; and

28 (2) has a population of:

29 (A) less than twenty-five thousand (25,000); or

30 (B) more than one hundred thirty-three thousand (133,000) but  
31 less than one hundred fifty thousand (150,000).

32 (d) A member of the board appointed under subsection (b)(3) **for a**  
33 **county that has a population of more than one hundred thousand**  
34 **(100,000) but less than one hundred five thousand (105,000)** must  
35 be a resident of a township:

36 (1) located in the county making the appointment; and

37 (2) having a population of more than twenty thousand (20,000)  
38 but less than twenty-five thousand (25,000).

39 (e) The county executive of a county that is not otherwise  
40 represented on the board and that is located not more than one  
41 thousand two hundred (1,200) feet from a certified air carrier airport  
42 that is owned or operated by the authority may appoint one (1) advisory

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member to the board. An advisory member appointed under this subsection:

(1) must be a resident of:

(A) the county making the appointment; and

(B) one (1) of the two (2) townships in the county located nearest to the airport;

(2) may not vote on any matter before the board;

(3) serves at the pleasure of the appointing authority; and

(4) serves without compensation or payment for expenses.

(f) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

(g) If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

(h) A board member may be reappointed to successive terms.

(i) A board member may be impeached under the procedure provided for the impeachment of county officers.

(j) A board member appointed under subsection (b)(3) may not vote on a matter before the board relating to imposing, increasing, or decreasing property taxes in the county having the consolidated city.

SECTION 13. IC 8-22-3-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 11.5. (a) This section applies only to an airport authority established for a county having a consolidated city.**

**(b) Notwithstanding section 11 of this chapter, the legislative body of the consolidated city may adopt an ordinance providing that the law enforcement services of the airport authority are consolidated into the police department of the consolidated city or into the county sheriff's department.**

SECTION 14. IC 8-22-3-11.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.**

**(b) The legislative body of the consolidated city may adopt an ordinance providing that the fire department of the airport authority is consolidated into the fire department of the consolidated city under IC 36-3-1-6.1 effective January 1, 2007, and that the fire department of the consolidated city shall provide fire protection services for the airport authority.**

SECTION 15. IC 11-13-3-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) A condition  
2 to remaining on parole is that the parolee not commit a crime during  
3 the period of parole.

4 (b) The parole board may also adopt, under IC 4-22-2, additional  
5 conditions to remaining on parole and require a parolee to satisfy one  
6 (1) or more of these conditions. These conditions must be reasonably  
7 related to the parolee's successful reintegration into the community and  
8 not unduly restrictive of a fundamental right.

9 (c) If a person is released on parole the parolee shall be given a  
10 written statement of the conditions of parole. Signed copies of this  
11 statement shall be:

12 (1) retained by the parolee;

13 (2) forwarded to any person charged with the parolee's  
14 supervision; and

15 (3) placed in the parolee's master file.

16 (d) The parole board may modify parole conditions if the parolee  
17 receives notice of that action and had ten (10) days after receipt of the  
18 notice to express the parolee's views on the proposed modification.  
19 This subsection does not apply to modification of parole conditions  
20 after a revocation proceeding under section 10 of this chapter.

21 (e) As a condition of parole, the parole board may require the  
22 parolee to reside in a particular parole area. In determining a parolee's  
23 residence requirement, the parole board shall:

24 (1) consider:

25 (A) the residence of the parolee prior to the parolee's  
26 incarceration; and

27 (B) the parolee's place of employment; and

28 (2) assign the parolee to reside in the county where the parolee  
29 resided prior to the parolee's incarceration unless assignment on  
30 this basis would be detrimental to the parolee's successful  
31 reintegration into the community.

32 (f) As a condition of parole, the parole board may require the  
33 parolee to:

34 (1) periodically undergo a laboratory chemical test (as defined in  
35 IC 14-15-8-1) or series of tests to detect and confirm the presence  
36 of a controlled substance (as defined in IC 35-48-1-9); and

37 (2) have the results of any test under this subsection reported to  
38 the parole board by the laboratory.

39 The parolee is responsible for any charges resulting from a test  
40 required under this subsection. However, a person's parole may not be  
41 revoked on the basis of the person's inability to pay for a test under this  
42 subsection.

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(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex and violent offender (as defined in IC 5-2-12-4) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is an offender (as defined in IC 5-2-12-4) to register with a sheriff ~~(or the police chief of a consolidated city)~~ under IC 5-2-12-5;

(B) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the offender obtains written approval from the parole board; and

(C) prohibit a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the offender's sex offense unless the offender obtains a waiver under IC 35-38-2-2.5.

If the parole board allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the offender's residence of the order.

(h) The address of the victim of a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the offender obtains a waiver under IC 35-38-2-2.5.

SECTION 16. IC 31-37-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by:

(A) the probation department; or

(B) the county office of family and children.

As a condition of probation under this subdivision, the juvenile court shall after a determination under IC 5-2-12-4 require a child who is adjudicated a delinquent child for an act that would be an

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offense described in IC 5-2-12-4 if committed by an adult to register with the sheriff ~~(or the police chief of a consolidated city)~~ under IC 5-2-12.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 17. IC 33-24-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. **(a)** The sheriff of the supreme court or a county police officer shall:

(1) attend the court in term time;

~~(2) execute the orders of the court;~~

~~(3) (2)~~ preserve order within the court; and

~~(4) execute all process issued out of the court;~~

**(3) execute all civil process issued out of the court.**

**(b) An officer of the police department of the consolidated city or a county police officer, as determined by the ordinance adopted by the legislative body of the consolidated city, shall execute:**

**(1) the orders of the court; and**

**(2) all criminal process issued out of the court.**

SECTION 18. IC 35-38-1-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7.5. (a) As used in this section, "sexually violent predator" has the meaning set forth in IC 5-2-12-4.5.

(b) This section applies whenever a court sentences a person for a sex offense listed in IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(10) for which the person is required to register with the sheriff ~~(or the police chief of a consolidated city)~~ under IC 5-2-12-5.

(c) At the sentencing hearing, the court shall determine whether the

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person is a sexually violent predator. Before making a determination under this section, the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders.

(d) If the court finds that a person is a sexually violent predator:

(1) the person is required to register with the sheriff ~~(or the police chief of a consolidated city)~~ as provided in IC 5-2-12-13(b); and

(2) the court shall send notice of its finding under this subsection to the criminal justice institute.

(e) A person who is found by a court to be a sexually violent predator under subsection (c) may petition the court to consider whether the person is no longer a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after the sentencing court makes its finding under subsection (c). A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person is no longer a sexually violent predator, the court shall send notice to the Indiana criminal justice institute that the person is no longer considered a sexually violent predator.

SECTION 19. IC 35-38-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.2. As a condition of probation for an offender (as defined in IC 5-2-12-4), the court shall:

(1) require the offender to register with the sheriff ~~(or the police chief of a consolidated city)~~ under IC 5-2-12-5; and

(2) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the offender obtains written approval from the court.

If the court allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the offender's residence of the order.

SECTION 20. IC 36-1-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. "Fiscal officer" means:

(1) auditor, for a county **not having a consolidated city;**

(2) controller, for a:

(A) consolidated city;

(B) **county having a consolidated city, except as otherwise provided;** or

(C) second class city;

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(3) clerk-treasurer, for a third class city;

(4) clerk-treasurer, for a town; or

(5) trustee, for a township.

SECTION 21. IC 36-2-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to all counties **except a county containing a consolidated city.**

SECTION 22. IC 36-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 9.5. County Auditor of Marion County**

**Sec. 1. This chapter applies to a county having a consolidated city.**

**Sec. 2. (a) The county auditor must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The auditor forfeits office if the auditor ceases to be a resident of the county.**

**(b) The term of office of the county auditor under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.**

**Sec. 3. The county auditor shall keep an office in a building provided at the county seat by the county executive. The auditor shall keep the office open for business during regular business hours on every day of the year except:**

**(1) Sundays;**

**(2) legal holidays; and**

**(3) days specified by the county executive according to the custom and practice of the county.**

**Sec. 4. A legal action required to be taken in the county auditor's office on a day when the auditor's office is closed under section 3 of this chapter may be taken on the next day the office is open.**

**Sec. 5. The county auditor shall furnish standard forms for use in the transaction of business under this article and for use in the performance of services for which the auditor receives a specific fee.**

**Sec. 6. The county auditor may administer the following:**

**(1) An oath necessary in the performance of the auditor's duties.**

**(2) The oath of office to an officer who receives the officer's certificate of appointment or election from the auditor.**

**(3) An oath relating to the duty of an officer who receives the officer's certificate of appointment or election from the**

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auditor.

(4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

Sec. 7. (a) The county auditor shall:

(1) keep a separate account for each item of appropriation made by the legislative body of the consolidated city; and

(2) in each warrant the county auditor draws on the county or city treasury, specifically indicate the item of appropriation the warrant is drawn against.

(b) The county auditor may not permit an item of appropriation to be:

(1) overdrawn; or

(2) drawn on for a purpose other than the specific purpose for which the appropriation was made.

(c) A county auditor who knowingly violates this section commits a Class A misdemeanor.

Sec. 8. The county auditor shall keep an accurate account current with the county treasurer. When a receipt given by the treasurer for money paid into the county or city treasury is deposited with the county auditor, the county auditor shall:

(1) file the treasurer's receipt;

(2) charge the treasurer with the amount of the treasurer's receipt; and

(3) issue the county auditor's receipt to the person presenting the treasurer's receipt.

Sec. 9. (a) This section does not apply to:

(1) funds received from the state or the federal government for:

(A) township assistance;

(B) unemployment relief; or

(C) old age pensions; or

(2) other funds available under:

(A) the federal Social Security Act; or

(B) another federal statute providing for civil and public works projects.

(b) Except for money that by statute is due and payable from the county or city treasury to:

(1) the state; or

(2) a township or municipality in the county;

money may be paid from the county or city treasury only upon a warrant drawn by the county auditor.

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1 (c) A warrant may be drawn on the county or city treasury only  
2 if:

- 3 (1) the legislative body of the consolidated city made an  
4 appropriation of the money for the calendar year in which the  
5 warrant is drawn; and  
6 (2) the appropriation is not exhausted.

7 (d) Notwithstanding subsection (c), an appropriation by the  
8 legislative body is not necessary to authorize the drawing of a  
9 warrant on and payment from the county or city treasury for:

10 (1) money that:

11 (A) belongs to the state; and

12 (B) is required by statute to be paid into the state treasury;

13 (2) money that belongs to a school fund, whether principal or  
14 interest;

15 (3) money that:

16 (A) belongs to a township or municipality in the county;  
17 and

18 (B) is required by statute to be paid to the township or  
19 municipality;

20 (4) money that:

21 (A) is due a person;

22 (B) is paid into the county or city treasury under an  
23 assessment on persons or property of the county in  
24 territory less than that of the whole county; and

25 (C) is paid for construction, maintenance, or purchase of  
26 a public improvement;

27 (5) money that is due a person and is paid into the county  
28 treasury to redeem property from a tax sale or other forced  
29 sale;

30 (6) money that is due a person and is paid to the county or city  
31 under law as a tender or payment to the person;

32 (7) taxes erroneously paid;

33 (8) money paid to a cemetery board under IC 23-14-65-22;

34 (9) money distributed under IC 23-14-70-3; or

35 (10) payments under a statute that expressly provides for  
36 payments from the county or city treasury without  
37 appropriation by the legislative body.

38 (e) A county auditor who knowingly violates this section  
39 commits a Class A misdemeanor.

40 Sec. 10. (a) The county auditor shall examine and settle all  
41 accounts and demands that are:

- 42 (1) chargeable against the county or city; and

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(2) not otherwise provided for by statute.

(b) The county auditor shall issue warrants on the county or city treasury for:

- (1) sums of money settled and allowed by the county auditor;
- (2) sums of money settled and allowed by another official; or
- (3) settlements and allowances fixed by statute;

and shall make the warrants payable to the person entitled to payment. The warrants shall be numbered progressively, and the controller shall record the number, date, amount, payee, and purpose of issue of each warrant at the time of issuance.

Sec. 11. Whenever:

- (1) a judgment or an order is issued by a court in a case in which the county was a party and was served with process for the payment of a claim;
  - (2) a certified copy of the judgment or order is filed with the auditor; and
  - (3) the claim is allowed by the county executive;
- the auditor shall issue his warrant for the claim.

Sec. 12. (a) At the semiannual settlement under IC 6-1.1-27, the auditor shall issue calls for the redemption of outstanding county warrants if there is any money available in the county treasury for redemption of those warrants.

(b) A warrant included in a call under this section ceases to bear interest upon the date of the call. The county treasurer shall redeem warrants included in the call when they are presented to the county treasurer.

(c) An auditor who violates this section is liable for the interest on all money used for redemption.

Sec. 13. (a) The county auditor is responsible for the issuance of warrants for payments from county and city funds.

(b) The county auditor is responsible for:

- (1) accounting;
- (2) payroll, accounts payable, and accounts receivable;
- (3) revenue and tax distributions; and
- (4) maintenance of property records;

for all city and county departments, offices, and agencies.

Sec. 14. The county auditor has all the powers and duties assigned to county auditors under IC 6-1.1, except for the powers and duties related to the fixing and reviewing of budgets, tax rates, and tax levies.

Sec. 15. The county auditor does not have powers and duties concerning the fixing and reviewing of budgets, tax rates, and tax

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levies.

**Sec. 16. The county auditor has the powers and duties set forth in IC 36-2-9-18 and IC 36-2-9-20.**

**Sec. 17. If a county auditor is held personally liable for penalties and interest assessed by the Internal Revenue Service, the county treasurer shall reimburse the county auditor in an amount equal to the penalties and interest. However, the county treasurer may not reimburse the county auditor if the county auditor willfully or intentionally failed or refused to file a return or make a required deposit on the date the return or deposit was due.**

**SECTION 23. IC 36-3-1-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005] Sec. 5.1. (a) Except for those duties that are reserved by law to the county sheriff, the city-county legislative body may by majority vote adopt an ordinance to consolidate the police department of the consolidated city and the county sheriff's department.**

**(b) The city-county legislative body may not adopt an ordinance under this section unless it first:**

**(1) holds a public hearing on the proposed consolidation; and**

**(2) determines that:**

**(A) reasonable and adequate police protection can be provided through the consolidation; and**

**(B) the consolidation is in the public interest.**

**(c) An ordinance adopted under this section must be adopted before July 1 of a year.**

**(d) The consolidation may not take effect earlier than January 1 following the year in which the ordinance is adopted.**

**(e) An ordinance adopted under this section must provide that the county sheriff's department shall be responsible for all the following for the consolidated city and the county under the direction and control of the sheriff:**

**(1) County jail operations and facilities.**

**(2) Emergency communications.**

**(3) Security for buildings and property owned by:**

**(A) the consolidated city;**

**(B) the county; or**

**(C) both the consolidated city and county.**

**(4) Service of civil process and collection of taxes under tax warrants.**

**(5) Sex offender registration under IC 5-2-12.**

**(f) The following apply if an ordinance is adopted under this**

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1     **section:**

2           (1) The department of local government finance, on  
3           recommendation from the local government tax control  
4           board, shall adjust the maximum permissible ad valorem  
5           property tax levy of the consolidated city and the county for  
6           property taxes first due and payable in the year a  
7           consolidation takes effect under this section.

8           (2) The ordinance must specify which law enforcement  
9           officers of the police department and which law enforcement  
10          officers of the county sheriff's department shall be law  
11          enforcement officers of the consolidated law enforcement  
12          department.

13          (3) The consolidated law enforcement department shall  
14          provide law enforcement services for an excluded city or town  
15          in the county if the legislative body of the excluded city or  
16          town adopts an ordinance requesting those law enforcement  
17          services.

18          (4) A member of the county police force who:

19               (A) was an employee beneficiary of the sheriff's pension  
20               trust before the consolidation of the law enforcement  
21               departments; and

22               (B) after the consolidation becomes a law enforcement  
23               officer of the consolidated law enforcement department;  
24          remains an employee beneficiary of the sheriff's pension trust.  
25          The member retains, after the consolidation, credit in the  
26          sheriff's pension trust for service earned while a member of  
27          the county police force and continues to earn service credit in  
28          the sheriff's pension trust as a member of the consolidated law  
29          enforcement department for purposes of determining the  
30          member's benefits from the sheriff's pension trust.

31          (5) A member of the police department of the consolidated  
32          city who:

33               (A) was a member of the 1953 fund or the 1977 fund before  
34               the consolidation of the law enforcement departments; and

35               (B) after the consolidation becomes a law enforcement  
36               officer of the consolidated law enforcement department;  
37          remains a member of the 1953 fund or the 1977 fund. The  
38          member retains, after the consolidation, credit in the 1953  
39          fund or the 1977 fund for service earned while a member of  
40          the police department of the consolidated city and continues  
41          to earn service credit in the 1953 fund or the 1977 fund as a  
42          member of the consolidated law enforcement department for

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purposes of determining the member's benefits from the 1953 fund or the 1977 fund.

(6) The executive of the consolidated city shall provide for an independent evaluation and performance audit to determine the amount of any cost savings, operational efficiencies, or improved service levels that result from the consolidation. The independent evaluation and performance audit must be conducted in each of the first five (5) years following the year in which the consolidation becomes effective. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6.

SECTION 24, IC 36-3-1-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) Except as provided in section 6.3 of this chapter, if the requirements of subsection (g) are satisfied, the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department") on January 1, 2007.

(1) A township in which the consolidation is approved by the voters of the township under subsection (g).

(2) A fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

(b) Except as provided by section 6.3 of this chapter, the consolidated fire department shall beginning January 1, 2007, provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which requirements of subsection (g) are satisfied.

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the department listed in subsection (a) are:

(1) transferred to; or

(2) assumed by;

the consolidated city on January 1, 2007.

(d) If the requirements of subsection (g) are satisfied and the fire departments of the entities listed in subsection (a) are consolidated into the fire department of a consolidated city, the employees of the departments listed in subsection (a) cease employment with those departments and become employees of the consolidated fire department on January 1, 2007. The consolidated city shall assume all agreements with labor organizations that:

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- 1 (1) are in effect on January 1, 2007; and  
 2 (2) apply to employees of the departments listed in subsection  
 3 (a) who become employees of the consolidated fire  
 4 department.

5 (e) If the requirements of subsection (g) are satisfied and the fire  
 6 department of an entity listed in subsection (a) is consolidated into  
 7 the fire department of a consolidated city, the indebtedness related  
 8 to fire protection services incurred before January 1, 2007, by the  
 9 entity or a building, holding, or leasing corporation on behalf of the  
 10 entity whose fire department is consolidated into the consolidated  
 11 fire department under subsection (a) shall remain the debt of the  
 12 entity and does not become and may not be assumed by the  
 13 consolidated city. Indebtedness related to fire protection services  
 14 that is incurred before January 1, 2007, by the consolidated city  
 15 shall remain the debt of the consolidated city and may only be paid  
 16 from property taxes levied within the fire special service district.

17 (f) If the requirements of subsection (g) are satisfied and the fire  
 18 departments of the entities listed in subsection (a) are consolidated  
 19 into the fire department of a consolidated city, the merit board and  
 20 the merit system of each fire department that is consolidated is  
 21 dissolved on January 1, 2007, and the duties of the merit boards  
 22 are transferred to and assumed by the merit board for the  
 23 consolidated fire department on the effective date of the  
 24 consolidation.

25 (g) The fire department of a township or a fire protection  
 26 territory within a township may be consolidated into the fire  
 27 department of a consolidated city under this section only if all of  
 28 the following conditions are satisfied:

- 29 (1) Before January 1, 2006, the legislative body of the  
 30 consolidated city adopts by majority vote an ordinance  
 31 approving the consolidation. The legislative body may adopt  
 32 the ordinance only if it determines after a public hearing that:

33 (A) reasonable and adequate fire protection service can be  
 34 provided if the consolidation occurs; and

35 (B) the consolidation is in the public interest.

- 36 (2) At the primary election in May 2006, a majority of the  
 37 voters residing in that part of the township that is not within  
 38 the fire special service district approve the consolidation in a  
 39 local public question under IC 3-10-9.

40 (h) The following apply if the requirements of subsection (g) are  
 41 satisfied in a township:

- 42 (1) The fire department of the township is consolidated into

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the fire department of the consolidated city effective January 1, 2007.

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section or section 6.3 of this chapter; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section or section 6.3 of this chapter;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section or section 6.3 of this chapter; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section or section 6.3 of this chapter;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in 2006 for fire protection and related services by each township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for each township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in 2006 for fire protection and related services for the township.

(5) The amount levied in 2006 by each township whose fire

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department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on January 1, 2007, to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) The executive of the consolidated city shall provide for an independent evaluation to determine the amount of any cost savings, operational efficiencies, or improved service levels that result from the consolidation of fire departments under this section. The independent evaluation must be conducted in each of the first five (5) years following the year in which the consolidation becomes effective. The independent evaluation must be provided to the legislative council in an electronic format under IC 5-14-6.

SECTION 25. IC 36-3-1-6.2 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. If a consolidated fire department is established under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall beginning January 1, 2007, establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the townships in the county that are consolidated under section 6.1 of this chapter.

SECTION 26. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) This section applies only if a consolidated fire department is established under section 6.1 of this chapter.

(b) The consolidated fire department may not provide fire protection services for:

(1) an excluded city; or

(2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under a valid intergovernmental agreement under law or the conditions in subsection (c) are met.

(c) For the consolidated fire department to provide fire protection services to an excluded city other than under a valid

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intergovernmental agreement, all of the following must occur:

(1) The legislative body of the excluded city and the city-county legislative body must adopt substantially similar ordinances authorizing the consolidation of the fire department of the excluded city into the consolidated fire department.

(2) The ordinances described in subdivision (1) must specify:

(A) the effective date of the consolidation, which must be January 1 of the year following the year in which the ordinances are adopted; and

(B) the conditions of the consolidation.

(d) After the effective date of the consolidation described in subsection (c), the consolidated fire department shall provide fire protection services within the territory of the excluded city.

(e) After the effective date of the consolidation described in subsection (c), all the property, equipment, records, rights, and contracts of the fire department of the excluded city are transferred to and assumed by the consolidated city.

(f) After the effective date of the consolidation described in subsection (c), the employees of the fire department of the excluded city cease employment with the excluded city and become employees of the consolidated fire department. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect after the effective date of the consolidation described in subsection (c); and

(2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

(g) All indebtedness related to fire protection services incurred before the effective date of the consolidation described in subsection (c) by:

(1) an excluded city; or

(2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (c).

(h) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (c), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties

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performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively.

(i) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (c), the merit board and merit system of the excluded city's fire department are dissolved, and the duties of the excluded city's merit board are transferred to and assumed by the merit board for the fire department of the consolidated city.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (c), for property taxes first due and payable in the year of the consolidation, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is increased for a consolidated city by the amount of the maximum permissible ad valorem property tax levy for fire protection and related services by the excluded city for the prior year; and

(2) is reduced for the excluded city by the amount of the maximum permissible ad valorem property tax levy for fire protection and related services by the excluded city for the prior year.

(k) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (c), the amount levied under IC 6-1.1-41 and IC 36-8-14 in the prior calendar year by the excluded city for its cumulative building and equipment fund for firefighting and related services is transferred to the consolidated city's cumulative building and equipment fund for firefighting and related services, and the consolidated city is exempted from the requirements of IC 6-1.1-41 and IC 36-8-14 regarding an increase to the levy for its cumulative building and equipment fund for firefighting and related services.

SECTION 27. IC 36-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The executive shall, subject to the approval of the city-county legislative body, appoint each of ~~his~~ **the executive's** deputies and the director of each department of the consolidated city. A deputy or director is appointed for a term of one (1) year and until ~~his~~ **a** successor is appointed and qualified, but serves at the pleasure of the executive.

(b) When making an appointment under subsection (a), the

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executive shall submit the name of an appointee to an office to the legislative body for its approval as follows:

(1) When the office has an incumbent, not more than forty-five (45) days before the expiration of the incumbent's one (1) year term.

(2) When the office has been vacated, not more than forty-five (45) days after the vacancy occurs.

(c) The executive may appoint an acting deputy or acting director whenever the incumbent is incapacitated or the office has been vacated. An acting deputy or acting director has all the powers of the office.

(d) The executive shall appoint:

(1) a controller;

**(2) two (2) deputy controllers, only one (1) of whom may be from the same political party as the executive; and**

(3) a corporation counsel;

each of whom serves at the pleasure of the executive.

(e) The corporation counsel and every attorney who is a city employee working for the corporation counsel must be a resident of the county and admitted to the practice of law in Indiana.

SECTION 28. IC 36-3-5-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) The controller appointed under section 2 of this chapter is:

(1) the fiscal officer of:

(A) the consolidated city; ~~but and~~

**(B) the county; and**

**(2) the director of the office of finance and management established by section 2.7 of this chapter.**

(b) The county treasurer ~~shall serve~~ serves ex officio as the treasurer of the consolidated city.

SECTION 29. IC 36-3-5-2.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.6. The:

(1) controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the controller's duty as a fiscal officer of:

(A) the consolidated city; **and**

**(B) the county; and**

**(2) deputy controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the deputy controller's duty;**

unless the act or omission constitutes gross negligence or an intentional disregard of the controller's **or the deputy controller's** duty.

SECTION 30. IC 36-3-5-2.7 IS ADDED TO THE INDIANA CODE

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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
UPON PASSAGE]: **Sec. 2.7. (a) The office of finance and  
management is established and is responsible for:**

- (1) budgeting;**
- (2) financial reporting and audits;**
- (3) purchasing; and**
- (4) fixed assets;**

**for all city and county departments, offices, and agencies.**

**(b) The controller:**

- (1) serves as the director of;** and
- (2) may organize into divisions;**

**the office of finance and management.**

**(c) The office of finance and management is not responsible for  
the issuance of warrants for payments from county and city funds.**

SECTION 31. IC 36-3-5-2.8 IS ADDED TO THE INDIANA CODE  
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
UPON PASSAGE]: **Sec. 2.8. (a) Except as provided in subsections  
(c) and (d), the controller:**

- (1) has all the powers; and**
- (2) performs all the duties;**

**of a county auditor under IC 36-2-9.**

**(b) Notwithstanding any other law, the controller has all the  
powers and shall perform all the duties assigned by law to the  
county auditor concerning the fixing and reviewing of budgets, tax  
rates, and tax levies.**

**(c) The controller does not have the powers and may not  
perform the duties of the county auditor:**

- (1) under IC 36-2-9.5;**
- (2) as a member of the board of commissioners of the county  
under IC 36-3-3-10;**
- (3) under IC 6-1.1, except for the powers and duties related to  
the fixing and reviewing of budgets, tax rates, and tax levies;  
and**
- (4) concerning the issuance of warrants for payments from  
county and city funds.**

**(d) Notwithstanding subsection (a), the executive, with the  
approval of the legislative body, may allocate the duties of county  
auditors, except the duties referred to in subsection (c), among:**

- (1) the controller;**
- (2) the county assessor;**
- (3) the county auditor; or**
- (4) other appropriate city or county officials.**

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SECTION 32. IC 36-3-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) The following executive departments of the consolidated city are established, subject to IC 36-3-4-23:

- (1) Department of administration **and equal opportunity.**
- (2) Department of metropolitan development.
- (3) Department of public safety.
- (4) Department of public works.
- (5) Department of transportation.
- (6) Department of parks and recreation.

These departments and their divisions have all the powers, duties, functions, and obligations prescribed by law for them as of August 31, 1981, subject to IC 36-3-4-23.

(b) The department of public utilities established under IC 8-1-11.1 continues as an agency of the consolidated city, which is the successor trustee of a public charitable trust created under Acts 1929, c. 78. The department of public utilities is governed under IC 8-1-11.1 and is not subject to this article.

SECTION 33. IC 36-3-5-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) The controller shall furnish standard forms for use in the:**

- (1) transaction of business; and
- (2) performance of services for which the consolidated city or county receives a specific fee.

**(b) The controller shall replace worn maps and plats as required in IC 36-2-17-5(c).**

SECTION 34. IC 36-3-5-10 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. The controller, in the name of the state and on behalf of any fund of the county or consolidated city, may sue principals or sureties on any obligation, whether the obligation is in the name of the state or another person.**

SECTION 35. IC 36-3-5-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. The controller shall:**

- (1) file the original of the county treasurer's monthly report under IC 36-2-10-16 with the records of the county board of finance;
- (2) present one (1) copy of the report to the legislative body of the consolidated city at its next regular meeting; and
- (3) immediately transmit one (1) copy of the report to the

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1           **state board of accounts.**

2           SECTION 36. IC 36-3-5-18 IS ADDED TO THE INDIANA CODE  
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
4 UPON PASSAGE]: **Sec. 18. (a) Except as provided in subsection (b),**  
5 **if the controller is held personally liable for penalties and interest**  
6 **assessed by the Internal Revenue Service, the county treasurer**  
7 **shall reimburse the controller in an amount equal to the penalties**  
8 **and interest.**

9           **(b) The county treasurer may not reimburse the controller**  
10 **under subsection (a) if the controller willfully or intentionally fails**  
11 **or refuses to file a return or make a required deposit on the date**  
12 **the return or deposit is due.**

13          SECTION 37. IC 36-3-6-4 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Before the  
15 Wednesday after the first Monday in July each year, the consolidated  
16 city and county shall prepare budget estimates for the ensuing budget  
17 year under this section.

18          (b) The following officers shall prepare for their respective  
19 departments, offices, agencies, or courts an estimate of the amount of  
20 money required for the ensuing budget year, stating in detail each  
21 category and item of expenditure they anticipate:

22           (1) The director of each department of the consolidated city.

23           (2) Each township assessor, elected county officer, or head of a  
24 county agency.

25           (3) The county clerk, for each court of which he is clerk.

26          (c) In addition to the estimates required by subsection (b), the  
27 county clerk shall prepare an estimate of the amount of money that is,  
28 under law, taxable against the county for the expenses of cases tried in  
29 other counties on changes of venue.

30          (d) Each officer listed in subsection (b)(2) or (b)(3) shall append a  
31 certificate to each estimate ~~he~~ **the officer** prepares stating that in ~~his~~  
32 **the officer's** opinion the amount fixed in each item will be required for  
33 the purpose indicated. The certificate must be verified by the oath of  
34 the officer.

35          (e) An estimate for a court or division of a court is subject to  
36 modification and approval by the judge of the court or division.

37          (f) All of the estimates prepared by city officers **and county officers**  
38 shall be submitted to the ~~city fiscal officer,~~ **and all of the estimates**  
39 ~~prepared by county officers shall be submitted to the county fiscal~~  
40 ~~officer.~~ **controller.**

41          (g) The ~~city fiscal officer~~ **controller** shall also prepare an itemized  
42 estimate of city **and county** expenditures for other purposes above the

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1 money proposed to be used by the city departments **and county**  
 2 **officers and agencies.**

3 SECTION 38. IC 36-3-6-5 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The  
 5 ~~consolidated city fiscal officer~~ **controller** shall review and revise the  
 6 estimates of city **and county** expenditures ~~prepared~~ **submitted** under  
 7 section 4 of this chapter. Then ~~he~~ **the controller** shall prepare for the  
 8 executive a report of the estimated ~~department~~ budgets, miscellaneous  
 9 expenses, and revenues necessary or available to finance the estimates,  
 10 along with ~~his~~ **the controller's** recommendations.

11 (b) The executive shall determine the amounts to be included in the  
 12 proposed appropriations ordinance by the ~~city fiscal officer~~ **controller**  
 13 and advise ~~him~~ **the controller** of those amounts.

14 SECTION 39. IC 36-3-6-6 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The  
 16 ~~consolidated city fiscal officer and the county fiscal officer~~ **controller**  
 17 shall, with the assistance of the corporation counsel, prepare:

- 18 (1) proposed appropriations ordinances for the city and county
- 19 and each special service district; and
- 20 (2) proposed ordinances fixing the rate of taxation for the taxes to
- 21 be levied for all city and county departments, offices, and
- 22 agencies.

23 The proposed appropriations ordinances must contain all the amounts  
 24 necessary for the operation of consolidated government, listed in major  
 25 classifications.

26 (b) The ~~fiscal officers~~ **controller** shall submit the proposed  
 27 ordinances **prepared under subsection (a)** along with appropriation  
 28 detail accounts for each city and county department, office, and agency,  
 29 to the city clerk not later than the first meeting of the city-county  
 30 legislative body in August.

31 SECTION 40. IC 36-3-6-8 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. After the  
 33 passage of an appropriations ordinance, a legislative body may, on the  
 34 recommendation of

- 35 (1) the ~~consolidated city fiscal officer~~ **as to city matters; or**
- 36 (2) ~~the county fiscal officer~~ **controller, as to all city and county**  
 37 **matters,**

38 make further or additional appropriations, unless their result is to  
 39 increase a tax levy set by ordinance.

40 SECTION 41. IC 36-3-6-9 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The city-county  
 42 legislative body ~~may~~ **shall** review ~~and modify~~ the **proposed** operating

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and maintenance budgets and ~~the~~ tax levies ~~of~~ and adopt final operating and maintenance budgets and tax levies for each of the following entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A health and hospital corporation operating under IC 16-22-8.
- (3) A public library operating under IC 20-14.
- (4) A capital improvement board of managers operating under IC 36-10.
- (5) A public transportation corporation operating under IC 36-9-4.

**Except as provided in subsection (c), the city-county legislative body may reduce or modify but not increase a proposed operating and maintenance budget or tax levy under this section.**

(b) The board of each entity listed in subsection (a) shall, after adoption of its **proposed** budget and tax levies, submit them, along with detailed accounts, to the city clerk before the first day of September of each year.

(c) The city-county legislative body may review the issuance of bonds of an entity listed in subsection (a), but approval of the city-county legislative body is not required for the issuance of bonds. **The city-county legislative body may not reduce or modify a budget or tax levy of an entity listed in subsection (a) in a manner that would:**

- (1) limit or restrict the rights vested in the entity to fulfill the terms of any agreement made with the holders of the entity's bonds; or
- (2) in any way impair the rights or remedies of the holders of the entity's bonds.

**(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) that is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body.**

SECTION 42. IC 36-6-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.

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- (7) Administer poor relief under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- (9) Act as township assessor when required by IC 36-6-5.
- (10) Provide and maintain cemeteries under IC 23-14.
- (11) Provide fire protection under IC 36-8, **except in a township that:**
  - (A) is located in a county having a consolidated city; and**
  - (B) consolidated the township's fire department under IC 36-3-1-6.1.**
- (12) File an annual personnel report under IC 5-11-13.
- (13) Provide and maintain township parks and community centers under IC 36-10.
- (14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.
- (15) Provide insulin to the poor under IC 12-20-16.
- (16) Perform other duties prescribed by statute.

SECTION 43. IC 36-8-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to all townships. **However, this chapter does not apply to a township in which the township's fire department has been consolidated with the fire department of a consolidated city under IC 36-3-1-6.1.**

SECTION 44. [EFFECTIVE JULY 1, 2005] The general assembly finds the following:

- (1) A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.
- (2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.
- (3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.
- (4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across

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the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform within and across a county having a consolidated city.

(5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local government services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.

(6) As the state capital and a center for professional sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) By virtue of its size and population, a consolidated city has a larger number of public safety employees than other municipalities, resulting in more significant pension obligations, and through consolidation of public safety resources, there is greater need for coordinated fiscal oversight of pension funding.

(8) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through further consolidation of county and city services and operations.

(9) Consolidation of county and city services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

(A) eliminate duplicative services;

(B) provide better coordinated and more uniform delivery of local governmental services;

(C) provide uniform oversight and accountability for the budgets for local governmental services; and

(D) allow local government services to be provided more efficiently and at a lower cost than without consolidation.

(10) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

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(11) The public purpose of this act is to provide a consolidated city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner.

SECTION 45. [EFFECTIVE UPON PASSAGE] The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.

SECTION 46. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Marion County consolidation study commission established by subsection (b).

(b) The Marion County consolidation study commission is established.

(c) The commission consists of the following members:

(1) Two (2) members of the house of representatives, not more than one (1) of whom may be a member of the same political party, appointed by the speaker of the house of representatives.

(2) Two (2) members of the senate, not more than one (1) of whom may be a member of the same political party, appointed by the president pro tempore of the senate.

(3) One (1) member appointed by the mayor of Indianapolis.

(4) One (1) member who is a township trustee in Marion County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Trustees Association.

(5) One (1) member who is an elected township assessor in Marion County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Township Assessors Association.

(6) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Lodge No. 86, Fraternal Order of Police, Inc. One (1) member appointed under this subdivision must be a law enforcement officer employed by the Marion County Sheriff's Department, and one (1) member appointed under this subdivision must be a law enforcement officer employed by the Indianapolis Police Department.

(7) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Metropolitan Professional Firefighters Local 416. One (1) member appointed under this subdivision must

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1 be a full-time firefighter employed by a fire department in a  
 2 Marion County township other than Center Township. One  
 3 (1) member appointed under this subdivision must be a  
 4 full-time firefighter employed by the Indianapolis Fire  
 5 Department.

6 (8) Two (2) members of the Marion County city-county  
 7 council appointed by the chairman of the legislative council  
 8 upon the joint recommendation of the president and the  
 9 minority leader of the Marion County city-county council.

10 (9) One (1) member appointed by the chairman of the  
 11 legislative council upon the recommendation of the president  
 12 of the Marion County Alliance of Neighborhood Associations.

13 (10) One (1) member appointed by the chairman of the  
 14 legislative council upon the recommendation of the president  
 15 of the Greater Indianapolis Chamber of Commerce.

16 (d) The chairman of the legislative council shall appoint a  
 17 member of the commission as the chair of the commission.

18 (e) The affirmative votes of a majority of the members  
 19 appointed to the commission are required for the commission to  
 20 take action on any measure, including the adoption of a final  
 21 report.

22 (f) The legislative services agency shall provide staff support for  
 23 the commission.

24 (g) Except as otherwise provided in this SECTION, the  
 25 commission shall operate under the rules and procedures of the  
 26 legislative council.

27 (h) The commission shall study the consolidation of local  
 28 government in Marion County, including the consolidation of  
 29 functions proposed in HB 1435-2005, as introduced, and in the  
 30 "Indianapolis Works" plan.

31 (i) There is appropriated forty-five thousand dollars (\$45,000)  
 32 to the legislative council from the state general fund for the period  
 33 beginning July 1, 2005, and ending June 30, 2006, to hire  
 34 consultants, including accountants, auditors, and actuaries, that  
 35 are necessary to assist the commission in reviewing and verifying  
 36 information and data concerning the consolidation of local  
 37 government in Marion County. The chairman and vice chairman  
 38 of the legislative council must approve the hiring of any consultants  
 39 by the commission.

40 (j) Before July 1, 2005, the city of Indianapolis must submit  
 41 information concerning the following to the commission, including  
 42 any data or assumption used by the city in providing the

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**information:**

(1) The anticipated locations and staffing levels of offices in Marion County providing services related to property assessment and township assistance.

(2) The operational efficiencies that may be achieved from the consolidation of law enforcement and firefighting functions.

(3) The anticipated law enforcement staffing and patrolling patterns throughout Marion County.

(4) The anticipated staffing of each existing fire station in Marion County.

(5) The anticipated wages and benefits that would be paid to law enforcement officers and firefighters of the consolidated departments, including any information concerning the timing of expected wage increases for officers and firefighters currently earning less than other officers with comparable rank and experience.

(6) The anticipated pension payments to law enforcement officers and firefighters and the funding source of those payments.

(7) The amount of any reductions in administrative costs resulting from the consolidation of property assessment, township assistance, law enforcement, and firefighting functions.

(8) The amount of any other savings that might occur if services currently provided by township assessors and township trustees (other than township assistance and firefighting services) were transferred to existing county and city departments.

(9) Any other information demonstrating the manner in which the consolidation proposed by HB 1435-2005, as introduced, would affect:

(A) the cost of providing local government services in Marion County;

(B) tax rates, tax levies, and budgets of units of local government in Marion County;

(C) the ability of local government to provide services; and

(D) the ability of citizens to interact with government officials.

(k) Any interested party may submit information and data described in subsection (j) to the commission.

(l) The commission shall issue a final report to the legislative council before December 1, 2005, concerning any findings and

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1 recommendations made by the commission.

2 (m) This SECTION expires December 31, 2005.

3 SECTION 47. [EFFECTIVE UPON PASSAGE] (a)  
4 Notwithstanding IC 6-3.5-6, if the county income tax council for a  
5 county containing a consolidated city passes an ordinance  
6 described in IC 6-3.5-6-9.6, as added by this act, before June 1,  
7 2005, the increased rate takes effect July 1, 2005.

8 (b) An ordinance or resolution adopted to increase the rate of  
9 the county option income tax for resident county taxpayers under  
10 IC 6-3.5-6-9.6, as added by this act, by not more than three-tenths  
11 of one percent (0.3%) on the succeeding July 1, up to a maximum  
12 rate of one percent (1%), is valid and effective, regardless of  
13 whether the ordinance or resolution is passed before, on, or after  
14 the effective date of this act.

15 SECTION 48. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 307, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 307 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 2.

## SENATE MOTION

Madam President: I move that Senate Bill 307 be amended to read as follows:

Page 3, after line 7, begin a new paragraph and insert:

**"(d) If the assessed valuation of a taxing unit is entirely contained within an excluded city or town (as described in IC 36-3-1-7) which is located in a county having a consolidated city, the governing body of the taxing unit shall submit its proposed operating and maintenance budget and tax levies to the city or town fiscal body."**

(Reference is to SB 307 as printed February 11, 2005.)

YOUNG R MICHAEL

## REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on February 22, 2005, to render an advisory opinion with regard to the question raised by Senator Clark about his participation in the upcoming vote on Senate Bill 307, which is eligible for third reading, due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Clark and hereby recommends that Senator Clark be excused from participation in the vote on third reading for Senate Bill 307 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 6-0.

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ES 307—LS 7066/DI 44+



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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 2. IC 6-3.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) If on January 1 of a calendar year the county option income tax rate in effect for resident county taxpayers equals six tenths of one percent (0.6%), then the county income tax council of that county may after January 1 and before April 1 of that year pass an ordinance to increase its tax rate for resident county taxpayers. **Except as provided in section 9.6 of this chapter**, if a county income tax council passes an ordinance under this section, its county option income tax rate for resident county taxpayers increases by one tenth of one percent (0.1%) each succeeding July 1 until its rate reaches a maximum of one percent (1%).

(b) The auditor of the county shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 3. IC 6-3.5-6-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9.6. Notwithstanding any other provision of this chapter, the county income tax council for a county containing a consolidated city may pass an ordinance to increase the county option income tax rate for resident county taxpayers by not more than three-tenths of one percent (0.3%) on the succeeding July 1, up to a maximum rate of one percent (1%).**

SECTION 4. IC 6-3.5-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) The county income tax council of any county may adopt an ordinance to permanently freeze the county option income tax rates at the rate in effect for its county on January 1 of a year.

(b) To freeze the county option income tax rates a county income tax council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The \_\_\_\_\_ County Income Tax Council permanently freezes the county option income tax rates at the rate in effect on January 1 of the current year."

ES 307—LS 7066/DI 44+



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(c) An ordinance adopted under the authority of this section remains in effect until rescinded. The county income tax council may rescind such an ordinance after January 1 but before April 1 of any calendar year. Such an ordinance shall take effect July 1 of that same calendar year.

(d) **Except as provided in section 9.6 of this chapter**, if a county income tax council rescinds an ordinance as adopted under this section the county option income tax rate shall automatically increase by one-tenth of one percent (0.01%) until:

- (1) the tax rate is again frozen under another ordinance adopted under this section; or
- (2) the tax rate equals six tenths of one percent (0.6%) (if the frozen tax rate equaled an amount less than six tenths of one percent (0.6%)) or one percent (1%) (if the frozen tax rate equaled an amount in excess of six tenths of one percent (0.6%)).

(e) The county auditor shall record any vote taken on an ordinance proposed under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

SECTION 5. IC 8-22-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) This section applies only to the board of an airport authority established for a county having a consolidated city.

(b) The board consists of members appointed as follows:

- (1) The mayor of the consolidated city shall appoint six (6) members. Each member appointed under this subdivision must be a resident of the county having the consolidated city.
- (2) The board of commissioners of the county having the consolidated city shall appoint one (1) member. The member appointed under this subdivision must be a resident of the county having the consolidated city.

(3) The county executive of each Indiana county that fulfills all of the following requirements shall each appoint one (1) member:

(A) The county is adjacent to the county having the consolidated city.

~~(B) The county has a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000).~~

~~(C)~~ (B) The authority:

(i) owns real property in the county; **and**

(ii) **owned property in the county before July 1, 2005.**

The county executive of a county represented on the board under this subdivision may not appoint an advisory member under

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section 4(e) of this chapter.

Not more than four (4) members appointed under subdivisions (1) and (2) may be members of the same political party.

(c) At least one (1) member of the board appointed under subsection (b)(1) must also be a resident of a township that:

(1) is located in the county having the consolidated city; and

(2) has a population of:

(A) less than twenty-five thousand (25,000); or

(B) more than one hundred thirty-three thousand (133,000) but less than one hundred fifty thousand (150,000).

(d) A member of the board appointed under subsection (b)(3) **for a county that has a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000)** must be a resident of a township:

(1) located in the county making the appointment; and

(2) having a population of more than twenty thousand (20,000) but less than twenty-five thousand (25,000).

(e) The county executive of a county that is not otherwise represented on the board and that is located not more than one thousand two hundred (1,200) feet from a certified air carrier airport that is owned or operated by the authority may appoint one (1) advisory member to the board. An advisory member appointed under this subsection:

(1) must be a resident of:

(A) the county making the appointment; and

(B) one (1) of the two (2) townships in the county located nearest to the airport;

(2) may not vote on any matter before the board;

(3) serves at the pleasure of the appointing authority; and

(4) serves without compensation or payment for expenses.

(f) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

(g) If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

(h) A board member may be reappointed to successive terms.

(i) A board member may be impeached under the procedure provided for the impeachment of county officers.

(j) A board member appointed under subsection (b)(3) may not vote on a matter before the board relating to imposing, increasing, or decreasing property taxes in the county having the consolidated city.

SECTION 6. IC 36-3-5-4 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JANUARY 1, 2006]: Sec. 4. (a) The following executive departments of the consolidated city are established, subject to IC 36-3-4-23:

- (1) Department of administration **and equal opportunity.**
- (2) Department of metropolitan development.
- (3) Department of public safety.
- (4) Department of public works.
- (5) Department of transportation.
- (6) Department of parks and recreation.

These departments and their divisions have all the powers, duties, functions, and obligations prescribed by law for them as of August 31, 1981, subject to IC 36-3-4-23.

(b) The department of public utilities established under IC 8-1-11.1 continues as an agency of the consolidated city, which is the successor trustee of a public charitable trust created under Acts 1929, c. 78. The department of public utilities is governed under IC 8-1-11.1 and is not subject to this article."

Page 3, line 9, delete "which" and insert "**that**".

Page 3, after line 12, begin a new paragraph and insert:

"SECTION 8. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2006]: **Sec. 6. Notwithstanding any other provision, the department of administration and equal opportunity is responsible for:**

- (1) payroll functions; and
  - (2) other human resources and personnel functions;
- for all city and county departments, offices, and agencies.**

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commission" refers to the Marion County consolidation study commission established by subsection (b).

(b) The Marion County consolidation study commission is established.

(c) The commission consists of the following members:

- (1) Two (2) members of the house of representatives, not more than one (1) of whom may be a member of the same political party, appointed by the speaker of the house of representatives.
- (2) Two (2) members of the senate, not more than one (1) of whom may be a member of the same political party, appointed by the president pro tempore of the senate.
- (3) One (1) member appointed by the mayor of Indianapolis.
- (4) One (1) member who is a township trustee in Marion

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County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Trustees Association.

(5) One (1) member who is an elected township assessor in Marion County, appointed by the chairman of the legislative council upon the recommendation of the Marion County Township Assessors Association.

(6) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Lodge No. 86, Fraternal Order of Police, Inc. One (1) member appointed under this subdivision must be a law enforcement officer employed by the Marion County Sheriff's Department, and one (1) member appointed under this subdivision must be a law enforcement officer employed by the Indianapolis Police Department.

(7) Two (2) members appointed by the chairman of the legislative council upon the recommendation of the president of Indianapolis Metropolitan Professional Firefighters Local 416. One (1) member appointed under this subdivision must be a full-time firefighter employed by a fire department in a Marion County township other than Center Township. One (1) member appointed under this subdivision must be a full-time firefighter employed by the Indianapolis Fire Department.

(8) Two (2) members of the Marion County city-county council appointed by the chairman of the legislative council upon the joint recommendation of the president and the minority leader of the Marion County city-county council.

(9) One (1) member appointed by the chairman of the legislative council upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(10) One (1) member appointed by the chairman of the legislative council upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(d) The chairman of the legislative council shall appoint a member of the commission as the chair of the commission.

(e) The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including the adoption of a final report.

(f) The legislative services agency shall provide staff support for the commission.

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(g) Except as otherwise provided in this SECTION, the commission shall operate under the rules and procedures of the legislative council.

(h) The commission shall study the consolidation of local government in Marion County, including the consolidation of functions proposed in HB 1435-2005, as introduced, and in the "Indianapolis Works" plan.

(i) There is appropriated forty-five thousand dollars (\$45,000) to the legislative council from the state general fund for the period beginning July 1, 2005, and ending June 30, 2006, to hire consultants, including accountants, auditors, and actuaries, that are necessary to assist the commission in reviewing and verifying information and data concerning the consolidation of local government in Marion County. The chairman and vice chairman of the legislative council must approve the hiring of any consultants by the commission.

(j) Before July 1, 2005, the city of Indianapolis must submit information concerning the following to the commission, including any data or assumption used by the city in providing the information:

- (1) The anticipated locations and staffing levels of offices in Marion County providing services related to property assessment and township assistance.
- (2) The operational efficiencies that may be achieved from the consolidation of law enforcement and firefighting functions.
- (3) The anticipated law enforcement staffing and patrolling patterns throughout Marion County.
- (4) The anticipated staffing of each existing fire station in Marion County.
- (5) The anticipated wages and benefits that would be paid to law enforcement officers and firefighters of the consolidated departments, including any information concerning the timing of expected wage increases for officers and firefighters currently earning less than other officers with comparable rank and experience.
- (6) The anticipated pension payments to law enforcement officers and firefighters and the funding source of those payments.
- (7) The amount of any reductions in administrative costs resulting from the consolidation of property assessment, township assistance, law enforcement, and firefighting functions.

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(8) The amount of any other savings that might occur if services currently provided by township assessors and township trustees (other than township assistance and firefighting services) were transferred to existing county and city departments.

(9) Any other information demonstrating the manner in which the consolidation proposed by HB 1435-2005, as introduced, would affect:

- (A) the cost of providing local government services in Marion County;
- (B) tax rates, tax levies, and budgets of units of local government in Marion County;
- (C) the ability of local government to provide services; and
- (D) the ability of citizens to interact with government officials.

(k) Any interested party may submit information and data described in subsection (j) to the commission.

(l) The commission shall issue a final report to the legislative council before December 1, 2005, concerning any findings and recommendations made by the commission.

(m) This SECTION expires December 31, 2005.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-3.5-6, if the county income tax council for a county containing a consolidated city passes an ordinance described in IC 6-3.5-6-9.6, as added by this act, before June 1, 2005, the increased rate takes effect July 1, 2005.

(b) An ordinance or resolution adopted to increase the rate of the county option income tax for resident county taxpayers under IC 6-3.5-6-9.6, as added by this act, by not more than three-tenths of one percent (0.3%) on the succeeding July 1, up to a maximum rate of one percent (1%), is valid and effective, regardless of whether the ordinance or resolution is passed before, on, or after the effective date of this act.

SECTION 11. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 307 as reprinted February 22, 2005.)

HINKLE, Chair

Committee Vote: yeas 7, nays 4.

ES 307—LS 7066/DI 44+



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## HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 307 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) Subject to section 13 of this chapter, the following persons must register under this chapter:

(1) An offender who resides in Indiana. An offender resides in Indiana if either of the following applies:

(A) The offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The offender owns real property in Indiana and returns to Indiana at any time.

(2) An offender not described in subdivision (1) who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period of time:

(A) exceeding fourteen (14) consecutive days; or

(B) for an aggregate period of time exceeding thirty (30) days; during any calendar year in Indiana, whether the offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) An offender not described in subdivision (1) who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), an offender who resides in Indiana shall register with the sheriff of the county where the offender resides. If an offender resides in more than one (1) county, the offender shall register with the sheriff of each county in which the offender resides. ~~However, if an offender resides in a county having a consolidated city, the offender shall register with the police chief of the consolidated city.~~

(c) An offender described in subsection (a)(2) shall register with the sheriff of the county where the offender is or intends to be employed or carry on a vocation. ~~However, an offender described in subsection (a)(2) who is employed or intends to be employed or to carry on a vocation in a consolidated city shall register with the police chief of the consolidated city.~~ If an offender is or intends to be employed or carry

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on a vocation in more than one (1) county, the offender shall register with the sheriff of each county. ~~However, if an offender is employed or intends to be employed or to carry on a vocation in a county containing a consolidated city and another county, the offender shall register with the police chief of the consolidated city and the sheriff of the other county.~~

(d) An offender described in subsection (a)(3) shall register with the sheriff of the county where the offender is enrolled or intends to be enrolled as a student. ~~However, if an offender described in subsection (a)(3) is enrolled or intends to be enrolled as a student in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.~~

(e) An offender described in subsection (a)(1)(B) shall register with the sheriff in the county in which the real property is located. ~~However, if the offender owns real property in a county containing a consolidated city, the offender shall register with the police chief of the consolidated city.~~

(f) An offender shall complete a registration form. Each sheriff ~~or police chief of a consolidated city~~ shall make the registration forms available to registrants.

(g) The offender shall register not more than seven (7) days after the offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the offender is required to register under subsection (b), (c), or (d);

whichever occurs first.

(h) Whenever an offender registers with a sheriff, ~~or the police chief of a consolidated city~~, the sheriff ~~or police chief~~ shall immediately notify the institute of the offender's registration by forwarding a copy of the registration form to the institute.

(i) The sheriff with whom an offender registers under this section shall make and publish a photograph of an offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. ~~The police chief of a consolidated city with whom an offender registers under this section shall make a photograph of the~~

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offender that complies with the requirements of IC 36-2-13-5.5 and transmit the photograph (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. Every time a sex offender submits a new registration form to the police chief of a consolidated city; but at least once per year; the police chief shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5. The police chief of a consolidated city shall transmit the photograph and a copy of the registration form to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5.

(j) When an offender completes a new registration form, the sheriff or police chief of a consolidated city shall:

- (1) forward a copy of the new registration form to the institute; and
- (2) notify every law enforcement agency having jurisdiction in the area where the offender resides.

SECTION 2. IC 5-2-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) Not more than fourteen (14) days before an Indiana offender who is required to register under this chapter is scheduled to be released from a correctional facility, transferred to a community transition or community corrections program, transferred to the jurisdiction of a sentencing court or probation office for a term of probation after being confined in a facility, released from any other penal facility (as defined in IC 35-41-1-21), released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

- (1) Orally inform the offender of the offender's duty to register under this chapter and require the offender to sign a written statement that the offender was orally informed or, if the offender refuses to sign the statement, certify that the offender was orally informed of the duty to register.

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(2) Deliver a registration form advising the offender of the offender's duty to register under this chapter and require the offender to sign a written statement that the offender received the written notice or, if the offender refuses to sign the statement, certify that the offender was given the written notice of the duty to register.

(3) Obtain the address where the offender expects to reside after the offender's release.

(4) Inform in writing on a form or in the form prescribed or approved by the institute the sheriff having jurisdiction in the county ~~or the police chief having jurisdiction in the consolidated city~~ where the offender expects to reside of the offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the offender.

(b) Not more than three (3) days after an offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The offender's fingerprints, photograph, and identification factors.

(2) The address where the offender expects to reside after the offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the offender.

(4) Information regarding the offender's past treatment for mental disorders.

(5) Information as to whether the offender has been determined to be a sexually violent predator.

(c) This subsection applies if an offender is placed on probation or in a community corrections program without confining the offender in a penal facility. The probation office serving the court in which the sex and violent offender is sentenced shall perform the duties required under subsections (a) and (b).

SECTION 3. IC 5-2-12-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) If an offender who is required to register under this chapter changes:

(1) home address; or

(2) if section 5(a)(2) or 5(a)(3) of this chapter applies, the place where the offender stays in Indiana;

the offender shall complete and submit a new registration form not more than seven (7) days after the address change to the sheriff ~~or the~~

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~~police chief~~ with whom the offender last registered.

(b) If the offender moves to a new county in Indiana, the sheriff ~~or the police chief~~ referred to in subsection (a) shall inform the sheriff in the new county ~~or the police chief of the consolidated city, if the county has a consolidated city,~~ in Indiana of the offender's residence by forwarding to the sheriff ~~or the police chief~~ in the new county a copy of the registration form. The sheriff ~~or the police chief~~ receiving the notice under this subsection shall verify the address of the offender under section 8.5 of this chapter within seven (7) days after receiving the notice.

(c) If an offender who is required to register under section 5(a)(2) or 5(a)(3) of this chapter changes the offender's principal place of employment, principal place of vocation, or campus or location where the offender is enrolled in school, the offender shall submit a new registration form not more than seven (7) days after the change to the sheriff ~~or the police chief of a consolidated city~~ with whom the offender last registered.

(d) If an offender moves the offender's place of employment, vocation, or enrollment to a new county in Indiana, the sheriff ~~or the police chief of a consolidated city~~ referred to in subsection (c) shall inform the sheriff in the new county in Indiana ~~or the police chief of the consolidated city, if the county has a consolidated city,~~ of the offender's new principal place of employment, vocation, or enrollment by forwarding a copy of the registration form to the sheriff ~~or the police chief of the consolidated city~~ in the new county.

(e) If an offender moves the offender's residence, place of employment, or enrollment to a new state, the sheriff ~~or the police chief of the consolidated city~~ shall inform the state police in the new state of the offender's new place of residence, employment, or enrollment.

(f) A sheriff ~~or police chief of a consolidated city~~ shall make the forms required under this section available to registrants.

(g) A sheriff ~~or police chief of a consolidated city~~ who is notified of a change under subsection (a) or (c) shall immediately notify the institute of the change by forwarding a copy of the registration form to the institute.

SECTION 4. IC 5-2-12-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8.5. (a) To verify an offender's current residence, the sheriff ~~(or the police chief of a consolidated city)~~ shall do the following:

- (1) Mail each offender a registration form to the offender's listed address at least one (1) time per year, beginning seven (7) days after the sheriff ~~(or the police chief of a consolidated city)~~

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receives a notice under section 14 of this chapter or the date the offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(2) Mail a registration form to each offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the sheriff ~~(or the police chief of a consolidated city)~~ receives a notice under section 14 of this chapter or the date the offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If an offender fails to return a signed registration form either by mail or in person, the sheriff ~~(or the police chief of a consolidated city)~~ shall immediately notify the institute and the prosecuting attorney.

SECTION 5. IC 5-2-12-8.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8.6. (a) An offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If an offender who is required to register under this chapter changes the offender's name due to marriage, the offender must notify the county sheriff ~~(or the police chief of a consolidated city)~~ by completing a registration form not more than thirty (30) days after the name change.

SECTION 6. IC 5-2-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of an offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

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(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that an offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the sheriff of the county ~~(or the police chief of the consolidated city)~~ where the offender is required to register in Indiana of:

- (1) the offender's name, date of relocation, and new address; and
- (2) the sex and violent offense or delinquent act committed by the offender.

SECTION 7. IC 6-1.1-17-21 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 21. Notwithstanding any other law, in a county having a consolidated city, the city controller of the consolidated city has all the powers and shall perform all the duties assigned to county auditors under this chapter related to the fixing and reviewing of budgets, tax rates, and tax levies.**

SECTION 8. IC 8-22-3-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 11.5. (a) This section applies only to an airport authority established for a county having a consolidated city.**

**(b) Notwithstanding section 11 of this chapter, the legislative body of the consolidated city may adopt an ordinance providing that the law enforcement services of the airport authority are consolidated into the police department of the consolidated city or into the county sheriff's department.**

SECTION 9. IC 8-22-3-11.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2005]: **Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.**

**(b) The legislative body of the consolidated city may adopt an ordinance providing that the fire department of the airport authority is consolidated into the fire department of the consolidated city under IC 36-3-1-6.1 effective January 1, 2007, and that the fire department of the consolidated city shall provide fire protection services for the airport authority.**

SECTION 10. IC 11-13-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.**

**(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one**

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(1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
  - (A) the residence of the parolee prior to the parolee's incarceration; and
  - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a sex and violent offender (as defined in IC 5-2-12-4) to:
  - (A) participate in a treatment program for sex offenders approved by the parole board; and

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(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

- (i) receives the parole board's approval; or
- (ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is an offender (as defined in IC 5-2-12-4) to register with a sheriff ~~(or the police chief of a consolidated city)~~ under IC 5-2-12-5;

(B) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the offender obtains written approval from the parole board; and

(C) prohibit a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the offender's sex offense unless the offender obtains a waiver under IC 35-38-2-2.5.

If the parole board allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the offender's residence of the order.

(h) The address of the victim of a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the offender obtains a waiver under IC 35-38-2-2.5.

SECTION 11. IC 31-37-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by:

- (A) the probation department; or
- (B) the county office of family and children.

As a condition of probation under this subdivision, the juvenile court shall after a determination under IC 5-2-12-4 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 5-2-12-4 if committed by an adult to register with the sheriff ~~(or the police chief of a consolidated city)~~ under IC 5-2-12.

(2) Order the child to receive outpatient treatment:

- (A) at a social service agency or a psychological, a psychiatric,

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a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 12. IC 33-24-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. **(a)** The sheriff of the supreme court or a county police officer shall:

(1) attend the court in term time;

~~(2) execute the orders of the court;~~

~~(3) (2) preserve order within the court; and~~

~~(4) execute all process issued out of the court.~~

**(3) execute all civil process issued out of the court.**

**(b) An officer of the police department of the consolidated city or a county police officer, as determined by the ordinance adopted by the legislative body of the consolidated city, shall execute:**

**(1) the orders of the court; and**

**(2) all criminal process issued out of the court.**

SECTION 13. IC 35-38-1-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7.5. (a) As used in this section, "sexually violent predator" has the meaning set forth in IC 5-2-12-4.5.

(b) This section applies whenever a court sentences a person for a sex offense listed in IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(10) for which the person is required to register with the sheriff ~~(or the police chief of a consolidated city)~~ under IC 5-2-12-5.

(c) At the sentencing hearing, the court shall determine whether the person is a sexually violent predator. Before making a determination under this section, the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders.

(d) If the court finds that a person is a sexually violent predator:

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- (1) the person is required to register with the sheriff ~~(or the police chief of a consolidated city)~~ as provided in IC 5-2-12-13(b); and
- (2) the court shall send notice of its finding under this subsection to the criminal justice institute.

(e) A person who is found by a court to be a sexually violent predator under subsection (c) may petition the court to consider whether the person is no longer a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after the sentencing court makes its finding under subsection (c). A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person is no longer a sexually violent predator, the court shall send notice to the Indiana criminal justice institute that the person is no longer considered a sexually violent predator.

SECTION 14. IC 35-38-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.2. As a condition of probation for an offender (as defined in IC 5-2-12-4), the court shall:

- (1) require the offender to register with the sheriff ~~(or the police chief of a consolidated city)~~ under IC 5-2-12-5; and
- (2) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the offender obtains written approval from the court.

If the court allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the offender's residence of the order.

SECTION 15. IC 36-1-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. "Fiscal officer" means:

- (1) auditor, for a county **not having a consolidated city**;
- (2) controller, for a:
  - (A) consolidated city;
  - (B) **county having a consolidated city, except as otherwise provided**; or
  - (C) second class city;
- (3) clerk-treasurer, for a third class city;
- (4) clerk-treasurer, for a town; or
- (5) trustee, for a township.

SECTION 16. IC 36-2-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter

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applies to all counties **except a county containing a consolidated city.**

SECTION 17. IC 36-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 9.5. County Auditor of Marion County**

**Sec. 1. This chapter applies to a county having a consolidated city.**

**Sec. 2. (a) The county auditor must reside within the county as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The auditor forfeits office if the auditor ceases to be a resident of the county.**

**(b) The term of office of the county auditor under Article 6, Section 2 of the Constitution of the State of Indiana is four (4) years and continues until a successor is elected and qualified.**

**Sec. 3. The county auditor shall keep an office in a building provided at the county seat by the county executive. The auditor shall keep the office open for business during regular business hours on every day of the year except:**

- (1) Sundays;**
- (2) legal holidays; and**
- (3) days specified by the county executive according to the custom and practice of the county.**

**Sec. 4. A legal action required to be taken in the county auditor's office on a day when the auditor's office is closed under section 3 of this chapter may be taken on the next day the office is open.**

**Sec. 5. The county auditor shall furnish standard forms for use in the transaction of business under this article and for use in the performance of services for which the auditor receives a specific fee.**

**Sec. 6. The county auditor may administer the following:**

- (1) An oath necessary in the performance of the auditor's duties.**
- (2) The oath of office to an officer who receives the officer's certificate of appointment or election from the auditor.**
- (3) An oath relating to the duty of an officer who receives the officer's certificate of appointment or election from the auditor.**
- (4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).**

**Sec. 7. (a) The county auditor shall:**

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- (1) keep a separate account for each item of appropriation made by the legislative body of the consolidated city; and
- (2) in each warrant the county auditor draws on the county or city treasury, specifically indicate the item of appropriation the warrant is drawn against.

(b) The county auditor may not permit an item of appropriation to be:

- (1) overdrawn; or
- (2) drawn on for a purpose other than the specific purpose for which the appropriation was made.

(c) A county auditor who knowingly violates this section commits a Class A misdemeanor.

**Sec. 8.** The county auditor shall keep an accurate account current with the county treasurer. When a receipt given by the treasurer for money paid into the county or city treasury is deposited with the county auditor, the county auditor shall:

- (1) file the treasurer's receipt;
- (2) charge the treasurer with the amount of the treasurer's receipt; and
- (3) issue the county auditor's receipt to the person presenting the treasurer's receipt.

**Sec. 9. (a)** This section does not apply to:

- (1) funds received from the state or the federal government for:

- (A) township assistance;
- (B) unemployment relief; or
- (C) old age pensions; or

- (2) other funds available under:

- (A) the federal Social Security Act; or
- (B) another federal statute providing for civil and public works projects.

(b) Except for money that by statute is due and payable from the county or city treasury to:

- (1) the state; or
- (2) a township or municipality in the county;

money may be paid from the county or city treasury only upon a warrant drawn by the county auditor.

(c) A warrant may be drawn on the county or city treasury only if:

- (1) the legislative body of the consolidated city made an appropriation of the money for the calendar year in which the warrant is drawn; and

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(2) the appropriation is not exhausted.

(d) Notwithstanding subsection (c), an appropriation by the legislative body is not necessary to authorize the drawing of a warrant on and payment from the county or city treasury for:

(1) money that:

(A) belongs to the state; and

(B) is required by statute to be paid into the state treasury;

(2) money that belongs to a school fund, whether principal or interest;

(3) money that:

(A) belongs to a township or municipality in the county; and

(B) is required by statute to be paid to the township or municipality;

(4) money that:

(A) is due a person;

(B) is paid into the county or city treasury under an assessment on persons or property of the county in territory less than that of the whole county; and

(C) is paid for construction, maintenance, or purchase of a public improvement;

(5) money that is due a person and is paid into the county treasury to redeem property from a tax sale or other forced sale;

(6) money that is due a person and is paid to the county or city under law as a tender or payment to the person;

(7) taxes erroneously paid;

(8) money paid to a cemetery board under IC 23-14-65-22;

(9) money distributed under IC 23-14-70-3; or

(10) payments under a statute that expressly provides for payments from the county or city treasury without appropriation by the legislative body.

(e) A county auditor who knowingly violates this section commits a Class A misdemeanor.

Sec. 10. (a) The county auditor shall examine and settle all accounts and demands that are:

(1) chargeable against the county or city; and

(2) not otherwise provided for by statute.

(b) The county auditor shall issue warrants on the county or city treasury for:

(1) sums of money settled and allowed by the county auditor;

(2) sums of money settled and allowed by another official; or

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(3) settlements and allowances fixed by statute;  
and shall make the warrants payable to the person entitled to payment. The warrants shall be numbered progressively, and the controller shall record the number, date, amount, payee, and purpose of issue of each warrant at the time of issuance.

**Sec. 11. Whenever:**

- (1) a judgment or an order is issued by a court in a case in which the county was a party and was served with process for the payment of a claim;
  - (2) a certified copy of the judgment or order is filed with the auditor; and
  - (3) the claim is allowed by the county executive;
- the auditor shall issue his warrant for the claim.

**Sec. 12. (a)** At the semiannual settlement under IC 6-1.1-27, the auditor shall issue calls for the redemption of outstanding county warrants if there is any money available in the county treasury for redemption of those warrants.

(b) A warrant included in a call under this section ceases to bear interest upon the date of the call. The county treasurer shall redeem warrants included in the call when they are presented to the county treasurer.

(c) An auditor who violates this section is liable for the interest on all money used for redemption.

**Sec. 13. (a)** The county auditor is responsible for the issuance of warrants for payments from county and city funds.

(b) The county auditor is responsible for:

- (1) accounting;
- (2) payroll, accounts payable, and accounts receivable;
- (3) revenue and tax distributions; and
- (4) maintenance of property records;

for all city and county departments, offices, and agencies.

**Sec. 14.** The county auditor has all the powers and duties assigned to county auditors under IC 6-1.1, except for the powers and duties related to the fixing and reviewing of budgets, tax rates, and tax levies.

**Sec. 15.** The county auditor does not have powers and duties concerning the fixing and reviewing of budgets, tax rates, and tax levies.

**Sec. 16.** The county auditor has the powers and duties set forth in IC 36-2-9-18 and IC 36-2-9-20.

**Sec. 17.** If a county auditor is held personally liable for penalties and interest assessed by the Internal Revenue Service, the county

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treasurer shall reimburse the county auditor in an amount equal to the penalties and interest. However, the county treasurer may not reimburse the county auditor if the county auditor willfully or intentionally failed or refused to file a return or make a required deposit on the date the return or deposit was due.

SECTION 18. IC 36-3-1-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005] Sec. 5.1. (a) Except for those duties that are reserved by law to the county sheriff, the city-county legislative body may by majority vote adopt an ordinance to consolidate the police department of the consolidated city and the county sheriff's department.

(b) The city-county legislative body may not adopt an ordinance under this section unless it first:

- (1) holds a public hearing on the proposed consolidation; and
- (2) determines that:
  - (A) reasonable and adequate police protection can be provided through the consolidation; and
  - (B) the consolidation is in the public interest.

(c) An ordinance adopted under this section must be adopted before July 1 of a year.

(d) The consolidation may not take effect earlier than January 1 following the year in which the ordinance is adopted.

(e) An ordinance adopted under this section must provide that the county sheriff's department shall be responsible for all the following for the consolidated city and the county under the direction and control of the sheriff:

- (1) County jail operations and facilities.
- (2) Emergency communications.
- (3) Security for buildings and property owned by:
  - (A) the consolidated city;
  - (B) the county; or
  - (C) both the consolidated city and county.
- (4) Service of civil process and collection of taxes under tax warrants.
- (5) Sex offender registration under IC 5-2-12.

(f) The following apply if an ordinance is adopted under this section:

- (1) The department of local government finance, on recommendation from the local government tax control board, shall adjust the maximum permissible ad valorem property tax levy of the consolidated city and the county for

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property taxes first due and payable in the year a consolidation takes effect under this section.

(2) The ordinance must specify which law enforcement officers of the police department and which law enforcement officers of the county sheriff's department shall be law enforcement officers of the consolidated law enforcement department.

(3) The consolidated law enforcement department shall provide law enforcement services for an excluded city or town in the county if the legislative body of the excluded city or town adopts an ordinance requesting those law enforcement services.

(4) A member of the county police force who:

(A) was an employee beneficiary of the sheriff's pension trust before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department; remains an employee beneficiary of the sheriff's pension trust. The member retains, after the consolidation, credit in the sheriff's pension trust for service earned while a member of the county police force and continues to earn service credit in the sheriff's pension trust as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the sheriff's pension trust.

(5) A member of the police department of the consolidated city who:

(A) was a member of the 1953 fund or the 1977 fund before the consolidation of the law enforcement departments; and

(B) after the consolidation becomes a law enforcement officer of the consolidated law enforcement department; remains a member of the 1953 fund or the 1977 fund. The member retains, after the consolidation, credit in the 1953 fund or the 1977 fund for service earned while a member of the police department of the consolidated city and continues to earn service credit in the 1953 fund or the 1977 fund as a member of the consolidated law enforcement department for purposes of determining the member's benefits from the 1953 fund or the 1977 fund.

(6) The executive of the consolidated city shall provide for an independent evaluation and performance audit to determine the amount of any cost savings, operational efficiencies, or

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improved service levels that result from the consolidation. The independent evaluation and performance audit must be conducted in each of the first five (5) years following the year in which the consolidation becomes effective. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6.

SECTION 19. IC 36-3-1-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) Except as provided in section 6.3 of this chapter, if the requirements of subsection (g) are satisfied, the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department") on January 1, 2007.

(1) A township in which the consolidation is approved by the voters of the township under subsection (g).

(2) A fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1).

(b) Except as provided by section 6.3 of this chapter, the consolidated fire department shall beginning January 1, 2007, provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which requirements of subsection (g) are satisfied.

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the department listed in subsection (a) are:

- (1) transferred to; or
- (2) assumed by;

the consolidated city on January 1, 2007.

(d) If the requirements of subsection (g) are satisfied and the fire departments of the entities listed in subsection (a) are consolidated into the fire department of a consolidated city, the employees of the departments listed in subsection (a) cease employment with those departments and become employees of the consolidated fire department on January 1, 2007. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on January 1, 2007; and
- (2) apply to employees of the departments listed in subsection (a) who become employees of the consolidated fire department.

(e) If the requirements of subsection (g) are satisfied and the fire

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department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services incurred before January 1, 2007, by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred before January 1, 2007, by the consolidated city shall remain the debt of the consolidated city and may only be paid from property taxes levied within the fire special service district.

(f) If the requirements of subsection (g) are satisfied and the fire departments of the entities listed in subsection (a) are consolidated into the fire department of a consolidated city, the merit board and the merit system of each fire department that is consolidated is dissolved on January 1, 2007, and the duties of the merit boards are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) The fire department of a township or a fire protection territory within a township may be consolidated into the fire department of a consolidated city under this section only if all of the following conditions are satisfied:

- (1) Before January 1, 2006, the legislative body of the consolidated city adopts by majority vote an ordinance approving the consolidation. The legislative body may adopt the ordinance only if it determines after a public hearing that:
  - (A) reasonable and adequate fire protection service can be provided if the consolidation occurs; and
  - (B) the consolidation is in the public interest.
- (2) At the primary election in May 2006, a majority of the voters residing in that part of the township that is not within the fire special service district approve the consolidation in a local public question under IC 3-10-9.

(h) The following apply if the requirements of subsection (g) are satisfied in a township:

- (1) The fire department of the township is consolidated into the fire department of the consolidated city effective January 1, 2007.
- (2) Notwithstanding any other provision, a firefighter:
  - (A) who is a member of the 1977 fund before the effective date of a consolidation under this section or section 6.3 of

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this chapter; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section or section 6.3 of this chapter;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section or section 6.3 of this chapter; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section or section 6.3 of this chapter;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in 2006 for fire protection and related services by each township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for each township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in 2006 for fire protection and related services for the township.

(5) The amount levied in 2006 by each township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on January 1, 2007, to the consolidated city's cumulative building and equipment fund for fire protection

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and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) The executive of the consolidated city shall provide for an independent evaluation to determine the amount of any cost savings, operational efficiencies, or improved service levels that result from the consolidation of fire departments under this section. The independent evaluation must be conducted in each of the first five (5) years following the year in which the consolidation becomes effective. The independent evaluation must be provided to the legislative council in an electronic format under IC 5-14-6.

SECTION 20. IC 36-3-1-6.2 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. If a consolidated fire department is established under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall beginning January 1, 2007, establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the townships in the county that are consolidated under section 6.1 of this chapter.

SECTION 21. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) This section applies only if a consolidated fire department is established under section 6.1 of this chapter.

(b) The consolidated fire department may not provide fire protection services for:

- (1) an excluded city; or
- (2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under a valid intergovernmental agreement under law or the conditions in subsection (c) are met.

(c) For the consolidated fire department to provide fire protection services to an excluded city other than under a valid intergovernmental agreement, all of the following must occur:

- (1) The legislative body of the excluded city and the city-county legislative body must adopt substantially similar ordinances authorizing the consolidation of the fire department of the excluded city into the consolidated fire

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department.

(2) The ordinances described in subdivision (1) must specify:

(A) the effective date of the consolidation, which must be January 1 of the year following the year in which the ordinances are adopted; and

(B) the conditions of the consolidation.

(d) After the effective date of the consolidation described in subsection (c), the consolidated fire department shall provide fire protection services within the territory of the excluded city.

(e) After the effective date of the consolidation described in subsection (c), all the property, equipment, records, rights, and contracts of the fire department of the excluded city are transferred to and assumed by the consolidated city.

(f) After the effective date of the consolidation described in subsection (c), the employees of the fire department of the excluded city cease employment with the excluded city and become employees of the consolidated fire department. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect after the effective date of the consolidation described in subsection (c); and

(2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

(g) All indebtedness related to fire protection services incurred before the effective date of the consolidation described in subsection (c) by:

(1) an excluded city; or

(2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (c).

(h) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (c), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively.

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(i) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (c), the merit board and merit system of the excluded city's fire department are dissolved, and the duties of the excluded city's merit board are transferred to and assumed by the merit board for the fire department of the consolidated city.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (c), for property taxes first due and payable in the year of the consolidation, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is increased for a consolidated city by the amount of the maximum permissible ad valorem property tax levy for fire protection and related services by the excluded city for the prior year; and

(2) is reduced for the excluded city by the amount of the maximum permissible ad valorem property tax levy for fire protection and related services by the excluded city for the prior year.

(k) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (c), the amount levied under IC 6-1.1-41 and IC 36-8-14 in the prior calendar year by the excluded city for its cumulative building and equipment fund for firefighting and related services is transferred to the consolidated city's cumulative building and equipment fund for firefighting and related services, and the consolidated city is exempted from the requirements of IC 6-1.1-41 and IC 36-8-14 regarding an increase to the levy for its cumulative building and equipment fund for firefighting and related services.

SECTION 22. IC 36-3-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The executive shall, subject to the approval of the city-county legislative body, appoint each of ~~his~~ **the executive's** deputies and the director of each department of the consolidated city. A deputy or director is appointed for a term of one (1) year and until ~~his~~ **a** successor is appointed and qualified, but serves at the pleasure of the executive.

(b) When making an appointment under subsection (a), the executive shall submit the name of an appointee to an office to the legislative body for its approval as follows:

(1) When the office has an incumbent, not more than forty-five (45) days before the expiration of the incumbent's one (1) year term.

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(2) When the office has been vacated, not more than forty-five (45) days after the vacancy occurs.

(c) The executive may appoint an acting deputy or acting director whenever the incumbent is incapacitated or the office has been vacated. An acting deputy or acting director has all the powers of the office.

(d) The executive shall appoint:

(1) a controller;

**(2) two (2) deputy controllers, only one (1) of whom may be from the same political party as the executive; and**

(3) a corporation counsel;

each of whom serves at the pleasure of the executive.

(e) The corporation counsel and every attorney who is a city employee working for the corporation counsel must be a resident of the county and admitted to the practice of law in Indiana.

SECTION 23. IC 36-3-5-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) The controller appointed under section 2 of this chapter is:

(1) the fiscal officer of:

(A) the consolidated city; ~~but~~ and

**(B) the county; and**

**(2) the director of the office of finance and management established by section 2.7 of this chapter.**

(b) The county treasurer ~~shall serve~~ serves ex officio as the treasurer of the consolidated city.

SECTION 24. IC 36-3-5-2.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.6. The:

(1) controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the controller's duty as a fiscal officer of:

(A) the consolidated city; and

**(B) the county; and**

**(2) deputy controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the deputy controller's duty;**

unless the act or omission constitutes gross negligence or an intentional disregard of the controller's ~~or the deputy controller's~~ duty.

SECTION 25. IC 36-3-5-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. (a) **The office of finance and management is established and is responsible for:**

**(1) budgeting;**

**(2) financial reporting and audits;**

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(3) purchasing; and  
 (4) fixed assets;  
 for all city and county departments, offices, and agencies.

(b) The controller:

- (1) serves as the director of; and
- (2) may organize into divisions;

the office of finance and management.

(c) The office of finance and management is not responsible for the issuance of warrants for payments from county and city funds.

SECTION 26. IC 36-3-5-2.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.8. (a) Except as provided in subsections (c) and (d), the controller:

- (1) has all the powers; and
- (2) performs all the duties;

of a county auditor under IC 36-2-9.

(b) Notwithstanding any other law, the controller has all the powers and shall perform all the duties assigned by law to the county auditor concerning the fixing and reviewing of budgets, tax rates, and tax levies.

(c) The controller does not have the powers and may not perform the duties of the county auditor:

- (1) under IC 36-2-9.5;
- (2) as a member of the board of commissioners of the county under IC 36-3-3-10;
- (3) under IC 6-1.1, except for the powers and duties related to the fixing and reviewing of budgets, tax rates, and tax levies; and
- (4) concerning the issuance of warrants for payments from county and city funds.

(d) Notwithstanding subsection (a), the executive, with the approval of the legislative body, may allocate the duties of county auditors, except the duties referred to in subsection (c), among:

- (1) the controller;
- (2) the county assessor;
- (3) the county auditor; or
- (4) other appropriate city or county officials.

SECTION 27. IC 36-3-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The controller shall furnish standard forms for use in the:

- (1) transaction of business; and

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(2) performance of services for which the consolidated city or county receives a specific fee.

(b) The controller shall replace worn maps and plats as required in IC 36-2-17-5(c).

SECTION 28. IC 36-3-5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. The controller, in the name of the state and on behalf of any fund of the county or consolidated city, may sue principals or sureties on any obligation, whether the obligation is in the name of the state or another person.**

SECTION 29. IC 36-3-5-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. The controller shall:**

- (1) file the original of the county treasurer's monthly report under IC 36-2-10-16 with the records of the county board of finance;
- (2) present one (1) copy of the report to the legislative body of the consolidated city at its next regular meeting; and
- (3) immediately transmit one (1) copy of the report to the state board of accounts.

SECTION 30. IC 36-3-5-18 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. (a) Except as provided in subsection (b), if the controller is held personally liable for penalties and interest assessed by the Internal Revenue Service, the county treasurer shall reimburse the controller in an amount equal to the penalties and interest.**

(b) The county treasurer may not reimburse the controller under subsection (a) if the controller willfully or intentionally fails or refuses to file a return or make a required deposit on the date the return or deposit is due.

SECTION 31. IC 36-3-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.**

(b) The following officers shall prepare for their respective departments, offices, agencies, or courts an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure they anticipate:

- (1) The director of each department of the consolidated city.
- (2) Each township assessor, elected county officer, or head of a

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county agency.

(3) The county clerk, for each court of which he is clerk.

(c) In addition to the estimates required by subsection (b), the county clerk shall prepare an estimate of the amount of money that is, under law, taxable against the county for the expenses of cases tried in other counties on changes of venue.

(d) Each officer listed in subsection (b)(2) or (b)(3) shall append a certificate to each estimate ~~he the officer~~ prepares stating that in ~~his~~ **the officer's** opinion the amount fixed in each item will be required for the purpose indicated. The certificate must be verified by the oath of the officer.

(e) An estimate for a court or division of a court is subject to modification and approval by the judge of the court or division.

(f) All of the estimates prepared by city officers **and county officers** shall be submitted to the ~~city fiscal officer~~; and ~~all of the estimates prepared by county officers shall be submitted to the county fiscal officer.~~ **controller.**

(g) The ~~city fiscal officer~~ **controller** shall also prepare an itemized estimate of city **and county** expenditures for other purposes above the money proposed to be used by the city departments **and county officers and agencies.**

SECTION 32. IC 36-3-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The ~~consolidated city fiscal officer~~ **controller** shall review and revise the estimates of city **and county** expenditures ~~prepared~~ **submitted** under section 4 of this chapter. Then ~~he the controller~~ shall prepare for the executive a report of the estimated ~~department~~ budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates, along with ~~his the controller's~~ recommendations.

(b) The executive shall determine the amounts to be included in the proposed appropriations ordinance by the ~~city fiscal officer~~ **controller** and advise ~~him the controller~~ of those amounts.

SECTION 33. IC 36-3-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The ~~consolidated city fiscal officer and the county fiscal officer~~ **controller** shall, with the assistance of the corporation counsel, prepare:

- (1) proposed appropriations ordinances for the city and county and each special service district; and
- (2) proposed ordinances fixing the rate of taxation for the taxes to be levied for all city and county departments, offices, and agencies.

The proposed appropriations ordinances must contain all the amounts

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necessary for the operation of consolidated government, listed in major classifications.

(b) The ~~fiscal officers~~ **controller** shall submit the proposed ordinances **prepared under subsection (a)** along with appropriation detail accounts for each city and county department, office, and agency, to the city clerk not later than the first meeting of the city-county legislative body in August.

SECTION 34. IC 36-3-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. After the passage of an appropriations ordinance, a legislative body may, on the recommendation of

- (1) the ~~consolidated city fiscal officer as to city matters; or~~
- (2) the ~~county fiscal officer~~ **controller**, as to **all city and** county matters,

make further or additional appropriations, unless their result is to increase a tax levy set by ordinance.

SECTION 35. IC 36-6-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer poor relief under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- (9) Act as township assessor when required by IC 36-6-5.
- (10) Provide and maintain cemeteries under IC 23-14.
- (11) Provide fire protection under IC 36-8, **except in a township that:**
  - (A) is located in a county having a consolidated city; and**
  - (B) consolidated the township's fire department under IC 36-3-1-6.1.**
- (12) File an annual personnel report under IC 5-11-13.
- (13) Provide and maintain township parks and community centers under IC 36-10.
- (14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.
- (15) Provide insulin to the poor under IC 12-20-16.
- (16) Perform other duties prescribed by statute.

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SECTION 36. IC 36-8-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to all townships. **However, this chapter does not apply to a township in which the township's fire department has been consolidated with the fire department of a consolidated city under IC 36-3-1-6.1.**

SECTION 37. [EFFECTIVE JULY 1, 2005] The general assembly finds the following:

- (1) A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.
- (2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.
- (3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.
- (4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform within and across a county having a consolidated city.
- (5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local government services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.
- (6) As the state capital and a center for professional sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting

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governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) By virtue of its size and population, a consolidated city has a larger number of public safety employees than other municipalities, resulting in more significant pension obligations, and through consolidation of public safety resources, there is greater need for coordinated fiscal oversight of pension funding.

(8) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through further consolidation of county and city services and operations.

(9) Consolidation of county and city services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

(A) eliminate duplicative services;

(B) provide better coordinated and more uniform delivery of local governmental services;

(C) provide uniform oversight and accountability for the budgets for local governmental services; and

(D) allow local government services to be provided more efficiently and at a lower cost than without consolidation.

(10) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

(11) The public purpose of this act is to provide a consolidated city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner.

SECTION 38. [EFFECTIVE UPON PASSAGE] The legislative services agency shall prepare legislation for introduction in the 2006 regular session of the general assembly to organize and correct statutes affected by this act, if necessary."

Page 6, delete lines 21 through 28.

Renumber all SECTIONS consecutively.

(Reference is to ESB 307 as printed March 25, 2005.)

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